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ABSTRACT

This report focuses on six issues having a direct impact on school desegregation in Ohio: (1) State authority to eliminate segregation; (2) desegregation programs within school districts; (3) desegregation plans between school districts; (4) citizen participation; (5) transportation; and (6) housing. The Committee's findings in each of these areas are discussed in detail and recommendations for actions the State might take to make desegregation in Ohio more effective are outlined. Witnesses and resource people providing testimony to the committee are also listed. Appendices include tables showing Ohio school districts with minority enrollments of 10% or more and changing ethnic/racial patterns over a ten year period, an overview of court ordered and voluntary desegregation programs in Ohio, a study of the cost of implementing desegregation plans in sixteen major cities, and a listing of additional policy options. (EB)

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Report and Recommendations

of the

Joint Select Committee on School Desegregation

to the

Ohio General Assembly

December 1978

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Joint Select Committee On School Desegregation
Ohio General Assembly
Statehouse
Columbus, Ohio

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VICE-CHAIRMAN:

The Honorable Larry H. Christman
D - Englewood

SENATE MEMBERS:

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D - Cincinnati

The Honorable John K. Mahoney
D - Springfield

The Honorable Marcus A. Roberto
D - Ravenna

The Honorable Oakley C. Collins
R - Ironton

The Honorable M. Ben Gaeth
R - Defiance

HOUSE MEMBERS:

The Honorable Arthur VN. Brooks
D - Cleveland Heights

The Honorable Ronald H. James
D - Proctorville

The Honorable John D. Thompson
D - Cleveland

The Honorable Waldo Bennett Rose
R - Lima

The Honorable Harry E. Turner
R - Mount Vernon

STAFF:

Peggy M. Siegel, Ph.D., Director
Phillip A. Reid, Research Associate
Rebecca J. Price, Committee Secretary

(Amended Senate Joint Resolution No. 22)

JOINT RESOLUTION

To appoint a joint select committee to study alternatives to busing and the state's role in reducing racial imbalance in the public schools and to make recommendations to the General Assembly.

Be it resolved by the General Assembly of the State of Ohio,

WHEREAS, The members of the 112th General Assembly of Ohio feel that the State must uphold the constitutional rights of all school children in Ohio by developing and implementing a statewide policy to eradicate racial imbalance; and

WHEREAS, Most major cities in Ohio are currently engaged in some stage of school desegregation litigation or U. S. Department of Health, Education and Welfare administrative review; and

WHEREAS, Many school districts are voluntarily adopting programs to further the cause of human relations among school children of differing backgrounds; and

WHEREAS, The State Board of Education has been named as co-defendant in many of the pending suits or as a party in the liability decisions of a number of desegregation actions throughout the State; therefore be it

Resolved, That a twelve-member select legislative committee be created to study alternatives to busing, including the financial implications of such alternatives, and the educational and non-educational implications of recent court decisions regarding racial desegregation in Ohio's public schools, to examine the actions underway in Ohio and in other states to cope with the needs for reducing racial imbalance, to study the financial needs and concerns involved in implementing desegregation programs, and to make legislative recommendations for state policy defining the state's role and responsibilities in the areas of achieving racial balance. The twelve members of the committee shall be members of the General Assembly who shall be appointed as follows: six Senators, appointed by the President Pro Tempore of the Senate, not more than four of whom shall be members of the same political party; six members of the House, appointed by the Speaker of the House of Representatives, not more than four of whom shall be members of the same political party; that the President Pro Tempore of the Senate shall designate from the members a chairman of the select committee, and that the Speaker of the House of Representatives shall designate the vice-chairman in the same manner; that the members of the committee shall be appointed no later than fifteen days following the adoption of this resolution; and that within thirty days of their appointment the committee shall meet at the call of the chairman; and be it further

Resolved, That the select committee may obtain staff to assist it in its operation and call upon any other agency of government for assistance as it requires to carry out its purposes; that the committee may, at its discretion, create advisory committees for whatever purposes it considers appropriate; and be it further

Resolved, That the Senate and House confer upon this committee the power to subpoena witnesses in any part of the state to appear before the committee at a time and place designated in the subpoena to testify concerning matters of inquiry and the power to require the production of books, papers, and records by such witnesses; and be it further

Resolved, That the committee shall complete its work by December 31, 1978 at which time the committee shall issue a report to the General Assembly, and the terms of all members shall expire.

Vernal G. Riffe, Jr.

Speaker _____ *of the House of Representatives.*

Oliver Ocasek

President Pro Tem *of the Senate.*

Senate Vote: 31-0
House Vote: 80-3

Adopted October 20, 1977.

OHIO GENERAL ASSEMBLY
THE JOINT SELECT COMMITTEE ON SCHOOL DESEGREGATION

Sen. M. Morris Jackson, Chairman
Sen. William F. Bowen
Sen. Oakley C. Collins
Sen. M. Ben Gaeth
Sen. John K. Mahoney
Sen. Marcus A. Roberto

DIRECTOR
Peggy M. Siegel, Ph.D.

Rep. Larry H. Christman, Vice-Chairman
Rep. Arthur V.N. Brooks
Rep. Ronald H. James
Rep. Waldo Bennett Rose
Rep. John D. Thompson
Rep. Harry E. Turner

December 21, 1978

The Honorable Oliver Ocasek
President, Ohio Senate

The Honorable Vernal G. Riffe
Speaker, Ohio House of Representatives

Members of the 113th General Assembly:

As chairman of the Joint Select Committee on School Desegregation, I respectfully submit the following report and recommendations, pursuant to our charge under Amended Senate Joint Resolution No. 22 of the 112th General Assembly.

The Joint Select Committee was created by near-unanimous action of the Legislature to study the school desegregation issue, including "alternatives to busing and the state's role in reducing racial imbalance in the public schools." Accordingly, the twelve house and senate members on the committee have held fourteen public hearings over the course of a year on a variety of subjects. Topics have ranged from the legal and constitutional questions surrounding desegregation; to the policies adopted by other states and in several Ohio school districts; to the linkage between residential and school segregation; to municipal and federal roles in desegregation; to numerous recommendations from the public. A complete list of our meetings is provided as part of this report.

On behalf of the committee, the chairman would like to thank all of our witnesses, researchers, and consultants who provided useful information for our deliberations. Their names are included in this report, as public acknowledgment of their efforts.

STAFF OFFICES: 16 East Broad Street, Columbus, Ohio 43215, Telephone (614) 466-1045

We also appreciate the contributions made by those individuals who shared their views with the members of the committee and our staff or who took the time to attend some or all of our hearings. Perhaps the highest of all compliments is the fact that this report incorporates many of their suggestions.

Finally, the chairman would like to express his sincere gratitude to the other members of this committee. We are a diverse group -- from Ohio's cities, suburbs and farmlands; black and white; Democrat and Republican; and of various professions. Each of us approaches school desegregation with different experiences and perceptions. The chairman is acutely aware of the highly emotional reactions elicited by the mere mention of school desegregation during these trying times. Many a good elected official has spent many a sleepless night wrestling with a satisfactory political response. Given such realities, the members of this committee are to be commended for at all times addressing the issues rationally, forthrightly and responsibly. This year, despite our differing views, we have learned a great deal about school desegregation, its complexities and its implications. To our colleagues who have not shared this fortunate opportunity, we offer the contents of this report.

* * * *

It has been almost twenty-five years since the Supreme Court of the United States unanimously concluded: "in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal."

It has been ten years since a Presidential commission, studying the civil disruptions which raged across our country, concluded: "our nation is moving toward two societies, one black, one white -- separate and unequal."

Today, the General Assembly is handed a challenge and a unique opportunity to help reverse this trend. Ours is the first -- and to my knowledge -- the only state legislature to have formed a committee of legislators to address the issue of school

desegregation. Hopefully, our experiences will be beneficial, not only to the residents of our own state, but to others as well.

Some of the recommendations in this report require statutory change. Others can be adopted through administrative procedure. Still others seek only to realize the letter and spirit of existing law.

Some of our recommendations call for more state money. Others do not. Still other issues need further study and attention.

On behalf of the Joint Select Committee, I urge the executive and legislative branches, educators and non-educators, parents, students and other citizens to join forces and realistically address the issues at hand.

If our children and their children must learn of the inherent inequalities of "separate but equal," then let it be from their history books and no longer in their classrooms.

Respectfully submitted,

M. Morris Jackson

M. MORRIS JACKSON, Chairman
Joint Select Committee on
School Desegregation

MOTION

Senator Roberto moved and Representative Brooks seconded that this document be adopted as the final report and recommendations of the Joint Select Committee on School Desegregation.

Senate members:

M Morris Jackson
CHAIRMAN

Marcus A Roberto

William Bowen

John K Mahoney

C C Calkins

M Ben Graith

House members:

Jane N. Chittenden
VICE-CHAIRMAN

John D Thompson Jr.

Arthur W Brooks

Donald D. Turner

Harry E. Turner

December 21, 1978

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Report

The very existence of a Joint Select Committee on School Desegregation is proof that segregation is an issue in Ohio.

The Ohio General Assembly created this committee -- not as an academic exercise, not to squander taxpayer dollars, and certainly not to magnify an already politically sensitive issue. The Legislature created this committee in recognition of the pressing need to study school desegregation in a comprehensive, objective and realistic manner. This need became even more apparent as the committee began to examine the issues in detail.

School desegregation is a statewide issue. Ohio's demography and recent activities in a number of Ohio school districts will bear this out.

Demography

Some states have fairly homogenous populations. Other states have sizeable minority populations, but located in only one or two urban areas. Ohio's geographical make-up is different. We have more urban centers than any other state, except possibly California. These include the large metropolitan areas, but also the smaller and medium-sized communities surrounded by farmlands. Minority students can be found in city, local and exempted village school districts in nearly all parts of the state.

Data collected by the Ohio Department of Education indicate:

- Ohio in 1977-78 had almost 2.2 million students in the public schools, the fourth largest public school enrollment in the nation: 12.7% were black; 0.9% were Hispanic; 0.4% were Asian or Pacific Islander; and 0.1% were American Indian or Alaskan Native.
- Twenty cities educate 70% of Ohio's 282,500 minority students.
- Seventeen counties with 88.5% of Ohio's minority students also educate 59% of ALL Ohio students.
- Seventy-nine of Ohio's eighty-eight counties have significant numbers of minority students in their public schools.

The map on page 4 shows all of the school districts in Ohio where minority students comprise at least ten per cent of the total student enrollment.[1]

As the map indicates:

- Fifty-seven school districts have a minority student enrollment of 10% or more.
- The fifty-seven districts are found in twenty-seven Ohio counties in nearly all regions of the state.
- In seven districts -- Cleveland, East Cleveland, Warrensville Heights, Cincinnati, Youngstown, Dayton and Jefferson Township Local -- minority students comprise 50% or more of the total student population.
- While the largest minority group is black, over 20,000 Hispanic students attend public school in Ohio, particularly in the Northwest and Northern part of the state.

[1]These districts are of all types -- city, local and exempted village. Appendix I details the total student enrollment, by race and ethnic background, of these districts over a ten year period.

Desegregation Activities in Ohio School Districts

Based on demography, it comes as no surprise that Ohio has experienced a variety of school desegregation activities during the past few years. These have included federal court cases, federal administrative proceedings and voluntary school and community efforts.[2]

As school began in 1978-79, Ohio led the nation in desegregation litigation. School districts in most of Ohio's major cities are defendants in court. At this writing:

- In *Cleveland*, Ohio's largest city, a federal district judge found that the school board had intentionally segregated its students and teachers. A systemwide desegregation plan is to be phased in, beginning in February, 1979. The case is currently on appeal before the Sixth Circuit Court. The State Board of Education is a co-defendant.
- In *Columbus*, Ohio's second largest city, a federal district judge found that the school board had intentionally segregated its students. Under this order, which has been upheld by the Sixth Circuit Court, Columbus was scheduled to desegregate in September, 1978. However, the United States Supreme Court stayed implementation of the systemwide plan, pending its decision on whether to hear the case. The State Board of Education is a co-defendant.
- In *Cincinnati*, Ohio's third largest city, the school board is involved in a metropolitan desegregation case, along with eighteen suburban districts and the county board of education. The districts are awaiting a court date, expected sometime in 1979. The State Board of Education is a co-defendant.
- In *Akron*, Ohio's fifth largest city, the school board has completed arguing its case in federal district court and is awaiting a decision. While the State Board of Education has not been involved, the President of the Ohio Real Estate Commission is a co-defendant.
- In *Dayton*, Ohio's sixth largest city, a systemwide desegregation plan has been in effect for the last three years, as the school board waits for another U.S. Supreme Court decision on its appeal. The State Board of Education is a co-defendant, although the court has never required any state participation in the remedy stage.
- In *Youngstown*, Ohio's seventh largest city, the school board is under court order to desegregate its staff. A federal district judge found that the board was not responsible for the racial imbalance in the student enrollment and also dismissed the case against the State Board of Education. The decision has been appealed by the plaintiffs.

Desegregation activities in Ohio have not been limited to the courts. The Office for Civil Rights (OCR) in the U.S. Department of Health, Education and Welfare has the responsibility of insuring that school districts comply with Title VI of the Civil Rights Act of

[2]See Appendix II for a brief description of these developments.

OHIO SCHOOL DISTRICTS WITH A 10% OR MORE MINORITY STUDENT ENROLLMENT 1978-79

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1964, which prohibits racial discrimination in any program receiving federal funds. If negotiations between OCR and a school board are unsuccessful, the issues are presented before an administrative law judge to show cause why federal funds should not be terminated.

Recently, OCR has investigated a number of Ohio's large and medium-sized communities for failure to comply with Title VI.[3] The results have been mixed: Negotiations proved successful in *Springfield, Canton* and *Toledo*, where the school boards eventually adopted plans reassigning students and/or staff. In contrast, when school boards in Princeton and Lima could not resolve their differences with OCR, the points of disagreement were heard before an administrative law judge. In *Princeton*, the judge absolved the school board of any blame for the racial imbalance in part of its staff. In *Lima*, the judge withheld a portion of the district's federal funds for having discriminated in the assignment of students. Both sides have appealed. Such proceedings can occur even during litigation, as in *Akron* and *Dayton*, where OCR is currently reviewing selected parts of the student policies in both districts.

Other Ohio school districts are either beginning to discuss desegregation plans or have successfully implemented programs on their own. These include districts in the cities of *Shaker Heights, Cleveland Heights/University Heights, Warrensville Heights, Lorain, Xenia, Mansfield, Warren, Greenhills-Forest Park, Mt. Healthy, Jefferson Township* and *Middletown*.

During the 1978-79 school year, a quarter-million of Ohio's 2.2 million children will go to schools which have been involved in some desegregation activity over the last two years. Nearly half of all Ohio's minority students will be directly affected by active desegregation litigation. Not included are the numbers of communities in Ohio where -- because of their racial composition -- school desegregation may yet become an issue in the near future.

Given Ohio's demography and the recent history of desegregation activity, probably no other state has a greater reason to be concerned, or to act. Based on our study of this issue, we believe that the state must assist communities and school districts in making wise decisions so they can avoid protracted legal and administrative battles where no one wins. The state must lend its support to communities and school districts willing to initiate desegregation programs on their own. The arguments favoring this position are overwhelming.

[3]See Appendix II for a brief description of Title VI of the U.S. Civil Rights Act of 1964 and the recent involvement of several school districts in Ohio.

1. Segregation is unconstitutional

Ever since 1954, discrimination on the basis of race has been outlawed in the public schools of this country. In reaching its landmark decision, the Supreme Court relied primarily on Section I of the Fourteenth Amendment of the United States Constitution which reads in part:

> . . . nor shall any state deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Until recently, federal courts have stressed the latter part of the 14th Amendment, commonly referred to as the Equal Protection Clause. However, courts are beginning to focus on the former part as well, or the *state's* role in overcoming segregation. State Boards of Education have been involved in the liability and/or the remedy phase of desegregation litigation not only in Ohio, but also in Michigan, Kentucky, Indiana, New York, Delaware, Missouri, and California.[4]

School segregation has been outlawed in Ohio for almost a century. In 1887, the General Assembly repealed a law which had permitted boards of education to maintain segregated schools. One year later, the Ohio Supreme Court reaffirmed this action when it held:

> . . . separate schools for colored children have been abolished and no regulation can be made . . . that does not apply to all children irrespective of race or color.[5]

And even if desegregation were not an issue, Ohio, like other states, is responsible for providing education to its residents and protecting their rights under our own Constitution.[6]

2. An appeal to law, order and reason

Ours is a nation of laws. School desegregation is the law. Regardless of our personal convictions about desegregation, as long as it is the law, it must be followed. One need not be a civil rights activist to agree.

Certainly, those who disagree with the demands of desegregation have every right to pursue change through legal channels and in an orderly fashion. Yet no one's purposes are served by violence or obstructionism.

Those of us in public office have sworn an oath to uphold the law. We are charged with the awesome responsibility of making the law. It follows, therefore, that we should also be the first to obey the law.

Public officials have the added responsibility to insure that short-term demagoguery does not limit our options nor provoke long-term federal involvement. By their own actions and attitudes, public officials must insure that their legal battles in the courts do not spill over into physical battles in the streets.

[4]For an analysis of these cases, see Bert Mogin, *The State Role in School Desegregation*, Appendix B, prepared for the Office of the Assistant Secretary for Education, Department of HEW, Washington, D.C., July, 1977.

[5]*Board of Education v The State*, 45 Ohio St. 555 (1888).

[6]Constitution of the State of Ohio, Article VI, Section 2, and Article I, Section 2.

3. Retaining state and local control over education

Americans have traditionally sought redress through the courts when they perceived policy makers as being unresponsive to their concerns. Such has been the history of desegregation litigation in our country.

Yet once the courts are involved, the options available to school officials and legislators are frequently limited.

The courts freely admit that they are not in the best position to formulate educational policies. Even Judge Battisti, whom some critics charge has assumed control of the Cleveland public schools, has stated:

> This court had no desire to administer the Cleveland school system or inquire into its fiscal affairs, but rather was drawn inexorably into these complex issues by the defendant's incapacity to plan and prepare for desegregation and their repeated claims of inability to desegregate because of lack of funds.[7]

Once school boards become parties to desegregation cases, they are immediately placed in an adversarial position, defending their past actions and policies. The ensuing combative climate hampers rational and long-term decision-making. Even absent desegregation litigation, school officials in districts with one or more minority schools are likely to be confronted continually by parents who view this situation, on its face, as unequal. Such conditions hardly encourage stability in decision-making.

In the absence of a clear state policy and given the recent decisions in the federal courts, many school officials are simply at a loss as to how to proceed, further weakening their control over educational decisions.

This situation calls for a rational approach to state policy making -- in spite of the confusion surrounding court decisions and even more, because of it. A reasoned state desegregation policy would enable districts to plan for the future, a need highlighted by numerous school officials in testimony before the Joint Select Committee. And a state desegregation policy would enable educators to make educational decisions and state and local officials to retain authority over their budgets. Defining the state's role on matters of school desegregation, offers a realistic alternative to those who decry "federal intervention" into the schools of Ohio.

4. Economic considerations

Given Ohio's current school finance problems, any proposed desegregation program must be cost-conscious. This is especially true in light of inflation, taxpayer revolts, attempts to limit state and local governmental spending across the country, and the fiscal problems of numerous local governments.

Conversely, any new school finance formula or education program must be carefully scrutinized for its immediate and long-term impact on racial isolation.

An objective reporting of desegregation costs is hard to obtain. Dollar figures tend to be inflated or downplayed, depending on whether one is an opponent or an advocate of school desegregation.[8] And dollar figures tend not to reflect the heavy investment in staff time. Yet we do have some hard data for Ohio.[9]

Dayton, the only Ohio school district actually to have implemented a court-ordered plan, spent almost $23.5 million on desegregation between 1973 and 1977, with the remedy phase beginning in 1976. Federal assistance reduced Dayton's total net costs to $12.9 million.

[7]Judge Frank J. Battisti, *Reed v Rhodes*, C-73-1800, Memorandum, Opinion and Order, August 15, 1978.

[8]David L. Colton, *Urban School Desegregation Costs*, Part I. Case Studies Center for Educational Field Studies, Washington University, St. Louis, Missouri, November, 1977.

[9]This information was provided in a Legislative Budget Office memorandum prepared for the Joint Select Committee by Karen K. Paquette, November 13, 1978.

DAYTON

Net Costs of Desegregation

Calendar Year	Litigation*	Magnet Schools & Alternative Centers	Gross Transportation	Other Costs	Total Gross State & Local Costs	State Reimbursement	Net Local Costs
1973	$ 0	$1,138,045	$ 245,000	$ 80,000	$1,463,045	$125,000	$1,338,045
1974	0	1,083,005	331,026	80,000	1,494,031	156,000	1,338,031
1975	161,975	2,187,657	535,773	128,000	3,013,405	170,000	2,843,405
1976	84,069	2,017,348	1,264,000	441,728	3,807,145	409,670	3,397,475
1977	70,600	1,583,000	2,861,239	307,293	4,822,132	860,260	3,961,872
						Grand Total	$12,878,828**

*Dayton estimates that 90% of its legal fees were spent on the case and 10% in implementing the plan.
**Excludes $10.6 million in desegregation program costs reimbursed by federal assistance.

Although Cleveland and Columbus have not reassigned any students, both districts have spent substantial funds in defending themselves in court. Their litigation costs are listed below. (Both figures exclude potential plaintiff attorney fees, should the cases be upheld on appeal.)

CLEVELAND*

Calendar Year	
1973	$ —
1974	23,792.64
1975	164,531.20
1976	326,537.19
1977	364,846.79
1978**	234,272.32
	$1,113,980.14

*Does not include special master and expert fees (estimated at $450,000) and plaintiff's fees (not yet estimated); the court has ordered the State to pay for the master's fees
**As of 9/78

COLUMBUS*

Calendar Year	
1973	$ 6,274
1974	30,737
1975	27,118
1976	168,540
1977	188,339
1978**	70,548
	$491,556

*Includes attorney fees and court costs
**As of 10/30/78

As a co-defendant in most of Ohio's desegregation cases, the State Board of Education has had its own share of litigation costs, amounting to over one-half million dollars, as indicated by the figures below.

STATE DESEGREGATION LITIGATION COSTS*

Fiscal Year	Dayton	Columbus	Case Cleveland	Cincinnati	Youngstown	Total
1972	$ 4,800.00	—	—	—	—	$ 4,800.00
1973	9,600.00	—	—	—	—	9,600.00
1974	4,088.79	—	5,339.29	—	—	9,428.08
1975	—	2,079.59	19,725.44	16,105.15	6,839.86	44,750.04
1976	19,775.00	46,523.50	55,647.75	3,056.34	12,174.55	137,177.14
1977	9,141.75	27,465.72	59,266.06	8,729.89	44,800.00	149,403.42
1978	5,668.50	45,498.01	98,634.41	4,600.80	20,118.92	174,520.64
1979**	—	730.63	28,836.22	10,493.29	—	40,060.14
Totals	**53,074.04**	**122,297.45**	**267,449.17**	**42,985.47**	**83,933.33**	**$569,739.46**

*Includes attorney fees, transcripts, and court costs.
**As of 12/11/78, with some bills outstanding.

As the above figures indicate, there are sizeable monetary costs to the state and to school districts in not desegregating.

In order to learn more about the experiences of other communities involved in desegregation, and because of the paucity of hard data on the actual expense of implementing desegregation, the Joint Select Committee commissioned its own study of the local costs of school desegregation plans.[10] Our researchers traveled to seventeen communities across the country in order to conduct an on-site review of accounting and reporting methods and to interview personally key school officials.

The districts surveyed were:

Austin, Texas
Dade Co., Florida
Jefferson Co., Kentucky
Ft. Worth, Texas
Milwaukee, Wisconsin
Minneapolis, Minnesota
Indianapolis, Indiana
Los Angeles, California
San Diego, California
Denver, Colorado
Berkeley, California

[10]Gordon R. Hoffman *et. al.*, "A Study of the Cost of Implementing Desegregation Plans in Sixteen Major Cities," presented to the Ohio General Assembly's Joint Select Committee on School Desegregation, November, 1978. This study is included as Appendix III of this report.

Hillsboro Co., Florida
Atlanta, Georgia
Charlotte, N. Carolina
Detroit, Michigan
Wilmington, Delaware
(Boston, Massachusetts, was not willing to participate)

In brief, the study revealed that:

- Local costs of desegregation in the initial year of implementation ranged from .03% to 6% of a school district's budget.
- In every district except one, desegregation plan costs were no longer reported separately after two to three years, but were considered as part of the school system's normal expenditures.
- Legal fees incurred in implementing desegregation were insignificant compared to the costs of defense.

This committee also heard evidence from other states where negative responses to federal court orders resulted in poor (or lack of) planning, mismanagement and excess spending.

Because of state funding limitations, it may only be possible to obligate dollars to fulfill our responsibility under the law. Other important programs not required by the Constitution or statute may have to be decided on their own merits. This is not an insurmountable task, as many desegregation programs cost little or can and should be supported in and of themselves.

Testimony before the Joint Select Committee from representatives of the U. S. Department of Health, Education and Welfare also points to the availability of federal dollars for desegregation planning and implementation at the state level. In fiscal year 1979, $2 million has been reserved for grants to State Departments of Education for desegregation planning, technical assistance and training activities. This program would grant to a state double the amount it spent for desegregation activities during the preceding fiscal year, not to exceed $500,000 or 10% of the total state appropriation, whichever is greater. **Ohio should make every effort to secure these funds.** Such efforts are crucial, particularly since the federal regulations also restrict the use of most federal desegregation monies to newer, emergency-related activities at the local level.

Even legislators from communities where desegregation has not been an issue must be concerned on economic grounds. We must insure that every effort be made to provide adequate funding to all schools, so that our districts not be forced to compete with other districts for the same dollars.

5. Educational considerations

It is no secret that people disagree over the impact -- whether measured or perceived -- of desegregation on educational quality. Some would argue that results on achievement tests do not justify systemwide desegregation orders. Others would argue that the performance of white children on tests remains unaffected by desegregation, while the scores of minority children generally improve.[11] Still others would contend that matters of constitutional rights should not depend on the outcome of any test score, high or low.

It has also been charged that desegregation has a detrimental effect on local communities, resulting in "white and/or minority middle class flight."[12] Thus, some noted critics of court-ordered, systemwide desegregation, such as James Coleman, argue instead for metropolitan remedies.[13]

No doubt this debate will continue. Future findings should aid all of us in making wise policy decisions concerning our children's education. In the meantime, it seems appropriate to refer back to the initial decision which declared school segregation in the public schools unconstitutional. In reaching this landmark decision, the Supreme Court commented on the devastating impact of segregated education on black children:

> To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.[14]

Less often quoted, but no less significant was the brief filed by some of this country's leading social scientists describing segregation's detrimental effects on white children:

> Those children who learn the prejudices of our society are also being taught to gain personal status in an unrealistic and non-adaptive way. When comparing themselves to members of the minority group, they are not required to evaluate themselves in terms of the more basic standards of actual personal ability and achievement. They often develop patterns of guilt feelings, rationalizations and other mechanisms which they must use in an attempt to protect themselves from recognizing the essential injustice of their unrealistic fears and hatreds of minority groups.[15]

Every educational decision-maker should be concerned with questions of quality. Yet, just as segregation has not been the cause of all of our problems -- insufficient resources, low test scores, or inadequate programs -- desegregation by itself will not make our schools financially sound, raise test scores, or provide quality education.

Desegregation is a beginning. It is the first step toward providing equal educational opportunity in the classroom and in the real world. To settle for anything

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[11]For a survey of the studies attempting to measure the impact of desegregation on student achievement, see Nancy H. St. John, *School Desegregation: Outcomes for Children*, John Wiley & Sons, New York: 1975; Robert Crain and Rita Mahard, *Desegregation and Black Achievement*, Institute of Policy Sciences and Public Affairs, Duke University, October, 1977; and for a summary of the latter, see Citizens' Council for Ohio Schools, "Desegregation Update," Bulletin No. 14, pp. 10-13.

[12]See David T. Armor, "White Flight, Demographic Transition, and the Future of School Desegregation," The Rand Corporation, Santa Monica, California, August, 1978.

[13]See James S. Coleman, "School Desegregation and City-Suburban Relations," presented at the Henry Ford Community College, Dearborn, Michigan, April 21, 1978.

[14]*Brown v Board of Education*, 347 U.S. 483 [1954]

[15]"The Effects of Segregation and the Consequences of Desegregation: A Social Science Statement," Appellant Brief to *Brown v Board of Education*, 1952.

less in preparing Ohio's children for what they will face as adults, would deny them the opportunity of an education of the highest quality.

Conclusion

Ohio, through the fate of its demography and the history of past actions, has become a bellweather state on the school desegregation issue. This will be so regardless of what the courts and the federal government may say and do, now and in the future. Consequently, as public officials, we need to be concerned about the impact of racial isolation on the citizens of this great state, irrespective of its cause and its context.

The following recommendations reflect this concern.

Recommendations

The Joint Select Committee has focused its attention on six issues having a direct impact on school desegregation. These recommendations are reported, by section, in the following pages. For each section, the format is the same: a summary of our findings, followed by the committee's recommendation(s).

Other policy options discussed by the committee are found in Appendix IV of this report. *It must be stressed that the policy options contained in Appendix IV do not reflect the formal positions of this committee.* They are included as part of this report in order to stimulate discussion and to provide thought for additional courses of action.

I
State Authority To Eliminate Segregation

FINDINGS

While the state is ultimately responsible for providing "a thorough and efficient system" of education in Ohio,[1] confusion surrounds its role in matters of school desegregation.

Recent developments in the courts and the testimony of attorneys and school officials before the Joint Select Committee have highlighted this uncertainty. Similar evidence may result in different judicial decisions. A federal district judge accepted the school board's arguments in Youngstown, for example, while judges in Cleveland and Columbus have held school boards liable for maintaining segregation. The State Board of Education is a co-defendant in the Dayton, Cleveland, Columbus, Youngstown and Cincinnati desegregation cases, but not in Akron where plaintiffs have enjoined the President of the Ohio Real Estate Commission. Federal judges in the Cleveland and Columbus cases have found that the State Board of Education condoned, through its inaction, segregatory practices. Consequently, the Board has been ordered to participate in the remedy. Although Dayton has been implementing a desegregation plan for three years, the State Board has never had to contribute to the remedy. In contrast, the federal district judge in the Youngstown case absolved the State Board of all responsibility. The Sixth Circuit Court of Appeals has remanded the Columbus case against the State Board to the district level for additional hearings, but has yet to determine the State Board's responsibility, if any, in the Cleveland case.

The case against the State Board of Education and its Superintendent of Public Instruction has generally hinged on an Ohio Attorney General's Opinion, issued in 1956.[2] The Board had requested clarification of its authority to withhold state funds to districts not conforming with the law: Did this authority extend to all statutes, decisions and constitutional provisions relating to the schools or just to the school foundation laws? The Board was particularly concerned about its responsibility under the Fourteenth Amendment, subsequent to the 1954 *Brown* decision, which prohibited all states from maintaining racially segregated public schools. The Attorney General supported a broad interpretation of the law: where the Board found racial segregation, its statutory duty to withhold funds "must be deemed to apply."

Almost twenty years later, the U. S. Sixth Circuit Court of Appeals further defined the State Board of Education's obligation:

> Since an Ohio Attorney General's Opinion dated July 9, 1956, the State Department of Education has known that it has an affirmative duty under Ohio and federal law to take all actions necessary, including, but not limited to, the withholding of state and federal funds, to prevent and eliminate racial segregation in the public schools.[3]

This Opinion, from the Dayton desegregation case, was also cited by federal district judges in holding the State Board responsible for segregation in Columbus and Cleveland.

In addition to defending itself in the courts, the State Board of Education has adopted several statements supporting equal educational opportunity and defining its own role in its achievement.

On May 13, 1968, the Board adopted a statement which announced: "It is the policy of the State Board of Education that, in programs administered, supervised or controlled by the Department of Education, every effort shall be made to prevent and to eliminate segregation of children and staff by reason of race or color." The Board recommended that all school districts make a specific effort "to find ways to move toward the solution of the problems of *de facto* segregation." As a first step, in 1968 the Department of Education began a racial and ethnic survey of all Ohio school districts, which it has continued yearly since 1971. This policy statement, however, lacked any enforcement mechanism.

On July 12, 1978, in a Resolution on Equal Educational Opportunities, the State Board of Education reaffirmed its policy of ten years ago and directed the Department of Education to:

- prepare a comprehensive analysis of evolving case law on discriminatory practices and remedial plans for distribution to Ohio's school districts;
- identify discriminatory practices which have affected or continue to affect the racial make-up of the public schools;
- monitor schools to identify and correct intentional segregation;
- use the case law analysis, assessment of discriminatory practices and monitoring plan to assure "through every means available" that all school districts comply with applicable laws and regulations.

In testimony before the Joint Select Committee, State Board President Everett Jung conveyed the Board's willingness to enforce its resolution, including the withholding of funds to school districts if necessary. Assistant Superintendent Robert Greer also indicated the Board's desire for a statute clarifying the extent of its authority in eliminating segregation because "it was tired of being sued."

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[1] Constitution of the State of Ohio, Article VI, Section 2.
[2] Ohio Attorney Gen. Op. 6810 (1956) pp. 514-521.
[3] *Brinkman v. Gilligan*, 503 F 2d 684, 704 [1974].

RECOMMENDATION I:
STATE AUTHORITY TO ELIMINATE SEGREGATION

The General Assemby should enact a statute reaffirming the existing constitutional prohibition against school segregation caused by governmental action (i.e. *de jure* segregation.) This statute should require the State Board of Education to:

i. enforce the statutory prohibition against segregation, drawing upon the assistance of other governmental agencies when necessary;

ii. formulate enforcement criteria by adopting minimum standards through existing administrative procedures, and pursuant to its authority under Section 3301.07(D) of the Ohio Revised Code;

iii. when necessary and pursuant to the Board's existing authority under Sections 3317.01(D) and 111.04 of the Ohio Revised Code, enforce the desegregation standards by withholding funds to and/or revoking the charter of a school or school district which fails to meet the standards;

iv. describe its activities in enforcing the desegregation statute and standards in its *Annual Report*. The Board shall also include an evaluation of its activities in implementing the proposed programs contained in Recommendations II, III, IV and V of this report. The *Annual Report* shall be filed with the Speaker of the House and the President of the Senate, for distribution to the members of the General Assembly.

II
Desegregation Programs Within School Districts

FINDINGS

State efforts to develop a sound desegregation policy should focus on concerns other than just the elimination of *de jure* segregation. They must also focus on the technical assistance and the education programs being provided to districts undergoing desegregation or voluntarily seeking to reduce racial isolation.

Nearly every educator who testified before the Joint Select Committee stressed the need to provide *technical assistance* to school districts facing desegregation. Their requests varied. Some school officials wanted "preventative medicine," advice which would enable them to minimize judicial, federal and/or state involvement in their districts. They wanted technical support on such policies as deciding where to build schools or, more frequently, where to close schools. They wanted assistance in redrawing attendance areas and reassigning staff, as a means to avoiding future desegregation litigation or compliance reviews. Other school officials were seeking advice on how best to initiate and implement a comprehensive desegregation program voluntarily, in order to improve the racial balance of their districts.

The federal government already provides funding for technical assistance to school districts under Title IV of the U.S. Civil Rights Act of 1964 (PL 88-352). In 1977-78, Ohio received $1,019,597 in Title IV monies, out of a total federal appropriation of $34 million nationwide. Such funds are used to support the teacher training and technical assistance efforts of school boards, state departments of education, teaching institutes and General Assistance Centers. (The General Assistance Center in Ohio is housed at Kent State University.) Assistance is provided, upon the request of a superintendent, in three general areas: racial segregation, sex discrimination and bilingual-bicultural education. Funds are available to districts which are correcting the conditions of racial separation, resulting from state or local law or official action. However, a district need not be under a court order or agency ruling to qualify. Priority is given to districts in the first three years of implementing a desegregation plan. Thus, Title IV monies are directed toward combatting the furtherance of segregation, once it has occurred. These funds are not available to school officials attempting to *prevent* racial imbalance from ever occurring. Witnesses identified this as a priority area for state involvement.

Congress provides funding for program assistance to desegregating school districts under Title VII, the Emergency School Aid Act (ESAA).[4] Districts which are implementing plans, mandated or voluntary, compete for grants to fund such projects as magnet schools or bilingual and compensatory educational programs. In FY 1978, Ohio districts were awarded almost $18.7 million in ESAA grants, but this figure has been revised downward due to the delay in implementing desegregation plans in Cleveland and Columbus. Beginning in FY 1979, state departments of education also will be eligible to qualify for ESAA funds.

The testimony of school officials and other witnesses before this committee focused heavily on ways of providing good educational programs to make desegregation work.[5] Such programs could help to overcome the concerns of citizens who fear that desegregation will, somehow, reduce educational quality. Witnesses on all sides of the desegregation issue agreed on one thing: the need to develop *voluntary desegregation programs*. Their suggestions covered a variety of alternatives. Some witnesses stressed the use of field trips, enrichment programs and extracurricular activities between schools, to bring children of all races and ethnics backgrounds together as an initial step toward desegregation. Other witnesses favored the development of magnet or alternative schools around a selection of particular course offerings or teaching styles. Still other witnesses favored the adoption of voluntary fiscal incentives built directly into the state aid formula.

Some school districts in Ohio have been able to desegregate gradually, simply by periodically redrawing attendance areas between schools or through their decisions on the location of new schools or the closing of old ones. Other districts are exploring ways to adopt desegregation policies on their own.[5] Voluntary efforts and programs such as these should be encouraged, particularly given the number of other districts in court or under investigation by the federal government.

Finally, testimony before this committee has indicated that desegregation activities need not be limited to districts with substantial numbers of minority students. If a school 90 per cent black is considered

[4]Title VII of the Education Amendments of 1972 (PL 92-318) as amended by the Education Amendments of 1974 (PL 93-380).

[5]See Appendix II for a brief description of these voluntary programs.

racially isolated, so, too, must be a school that is 90 per cent white. All students, regardless of where they live, stand to benefit from being taught by teachers and administrators of different races and backgrounds. All students can benefit from a curriculum that teaches about the heritages and contributions of different peoples, in an unbiased and realistic fashion.

RECOMMENDATION II: DESEGREGATION PROGRAMS WITHIN SCHOOL DISTRICTS

a. The General Assembly should enact a statute and provide funding assistance for desegregation programs within school districts, directing the State Department of Education, in cooperation with other governmental agencies, to:

   i. provide technical assistance, upon request, to help school districts to desegregate;

   ii. establish and coordinate a clearinghouse so that residents from different communities facing desegregation can share and benefit from their individual experiences;

   iii. evaluate existing programs, including but not limited to magnet and alternative schools, to determine their effectiveness and appropriateness for desegregation efforts in Ohio.

b. The General Assembly should also enact a statute and provide funding assistance to cover programs and related costs, including transportation, for voluntary desegregation programs of a preventative nature, designed as incentives for districts to desegregate on their own, including:

   i. financial incentives within the state school finance formula for voluntary programs designed to reduce racial isolation;

   ii. part-time enrichment programs for two or more schools as an initial exposure to desegregation;

   iii. grants, awarded on a competitive basis, to districts which design and/or implement their own voluntary desegregation programs, under state guidelines.

III
Desegregation Programs Between School Districts

FINDINGS

In testimony before the Joint Select Committee, State Board of Education President Everett Jung noted that Ohio's statewide pupil enrollment had decreased over the past ten years, by 9.3 per cent. According to Dr. Jung, fully 68 per cent of this decline has occurred in Ohio's major cities, which are becoming more racially impacted each year. Part of this enrollment decrease is, no doubt, due to declining birth rates and migration out of state. Yet much of the decline represents a population shift to the suburbs.

While boards of education in center cities and in many older suburbs struggle with painful choices over which unneeded buildings to close, some neighboring school boards are wrestling with how to convince voters to tax themselves for new buildings. Neither decision is easy; nor does it make sense, on economic grounds. What makes sense is encouraging school districts to pool their resources, at a savings to the taxpayers.

Cooperation among different governmental units is hardly a novel idea in Ohio. A staff report, done for the Joint Select Committee, highlighted the existence of sixteen intergovernmental arrangements already provided for in Ohio statute.[6] Most cooperating units are limited to single functions, specified in law. Most retain their original identities, as well as joint ownership over the shared activity, rather than merge into a new umbrella structure. Joint delivery of services in Ohio includes libraries, housing, parks, water, sewers, hospitals, workhouses, airports, and transportation as well as the more general responsibilities of joint planning councils and regional planning commissions. Most notable in education is the joint vocational school district, which allows two or more school systems to offer their residents needed vocational education programs which each could not offer alone.

Thus declining student enrollments, ever-present fiscal concerns, past experience and rational policy-making dictate that school districts begin to work together, on a voluntary basis, to provide educational services to Ohio's citizens. School desegregation could be a step in this direction. And the state could play a pivotal role in providing technical assistance and program funding to schools and communities wishing to cooperate voluntarily across district lines, enabling them to accomplish local objectives they could not accomplish alone.

RECOMMENDATION III: DESEGREGATION PROGRAMS BETWEEN SCHOOL DISTRICTS

a. The General Assembly should enact a statute and provide funding assistance for desegregation programs between school districts, directing the State Department of Education, in cooperation with county boards of education and other governmental agencies, to:

   i. provide technical assistance, upon request, to school districts seeking ways to cooperate in the sharing of materials, programs, human relations training, data processing and joint bidding and and purchasing arrangements, as will result in inter-district desegregation;

   ii. provide technical assistance, upon request, to school systems in developing voluntary desegregation programs across district boundaries;

   iii. establish and coordinate a clearinghouse so that parents, teachers, school officials, governmental officials and others, exploring the possibility of implementing inter-district programs, may communicate and share information.

b. The General Assembly should also enact a statute and provide funding assistance to cover program and

[6]Catherine L. Harper, "Existing cooperative arrangements among Ohio political subdivisions," prepared for the Joint Select Committee on School Desegregation, November, 1978.

related costs, including transportation, for the following voluntary inter-district desegregation programs:

i. financial incentives within the state school finance formula for voluntary, inter-district programs designed to reduce racial isolation;

ii. part-time enrichment programs for two or more districts as an initial exposure to desegregation;

iii. capital improvement grants to encourage two or more districts to make joint use of buildings to reduce racial isolation;

iv. grants to two or more districts -- with the assistance of county boards of education -- which voluntarily agree to design and/or implement their own desegregation programs, under state guidelines;

v. extension of existing joint vocational programs to students outside the joint vocational school district, with state payment of tuition and transportation and a partial subsidy to the sending district for its loss in ADM.

IV
Citizen Participation

FINDINGS

If testimony before the Joint Select Committee is indicative of public sentiment in Ohio, then Ohioans want to be actively involved in decisions affecting their schools. The state should welcome and encourage this participation.

Parents, students, local educators, and other citizens are certainly in the best position to understand the needs of their own communities. State policy makers can benefit from this knowledge and experience, and should seek to compliment local efforts, especially in areas relating to school desegregation.

Information presented to this committee indicates that school districts have relied on the creativity of citizen groups in a variety of ways.[7] Citizen groups can assist boards of education in coming up with desegregation proposals. They can effectively monitor the progress of desegregation implementation, providing factual information to the community at large. And they can frequently evolve into ongoing advisory councils, serving as useful sounding boards to school officials on a variety of educational concerns.

True desegregation, if it is to work, must enjoy community support. The best way to build that support is through real citizen participation in the development of successful desegregation process.

RECOMMENDATION IV: CITIZEN PARTICIPATION

The General Assembly should enact a statute directing the State Board of Education to create a state citizens advisory committee on desegregation and permitting local boards of education to create local citizens advisory committees.

[7]This information was provided by Marian Bontempo in a memorandum on citizen participation to the Joint Select Committee on School Desegregation, November, 1978.

V
Transportation

FINDINGS

Recent surveys indicate that over 43% of the students in this country ride a school bus to school every day; 65% ride a school bus or use mass transit.[8] Of this total, 2% to 4% are bused for desegregation.[9]

In FY 1978, less than half, or 43.4%, of Ohio's 2.2 million school children were close enough to walk to school; 56.6% got a ride. The largest percentage of students transported, and over the greatest distances, live in Ohio's rural areas, as the following figures illustrate:

OHIO DISTRICTS, 1977-78 SCHOOL YEAR

Type and Number of School District	% of Students (ADM) Transported	Total Daily Miles
City (185)	38.67	257,510
Exempted Village (49)	65.64	46,085
Local (382)	84.39	485,708

In Ohio, school districts are required by law to provide transportation for their kindergarten through eighth grade students who live more than two miles from school. Districts may also provide transportation to pupils in grades nine through twelve. Funding has traditionally been a shared responsibility between the state and local school districts. Ohio statute authorizes the State Board of Education to establish standards which partially reimburse districts for their pupil transportation and bus purchase expenditures. Under the standards, students in both public and private schools are eligible for payment purposes if they live one mile or more from school.[10]

In 1977-78, the state spent $10.65 million to reimburse school districts for approximately half their expenses for buying 1,170 buses. Of this figure, $97,000 or 0.9%, supported desegregation-related transportation, for purchase of fity used buses in Dayton. For 1978-79, the state has appropriated $11.9 million for bus purchase, none of which, to date, has been spent on court-ordered desegregation.

Even with these figures, the controversy over "busing" cannot be ignored. Opinion surveys consistently point up the public's dissatisfaction with busing, despite consistent support for school integration.[11] According to one source, when people were asked about their feelings on desegregation, they stated their opposition to busing. When asked about busing, they generally approved of it, unless required for desegregation.[12] These feelings were reflected time and again in testimony before this committee. Many parents supported the adoption of policies enabling more children to walk to school or to ride a bus -- voluntarily. School officials from districts undergoing court-ordered or voluntary desegregation implored the committee to recommend state assistance to cover their additional transportation costs, because the money was simply unavailable elsewhere.[13] Individuals from communities not faced with desegregation were just as vocal in wanting to safeguard their district's transportation funds.

Our own colleagues in the General Assembly reflected this public and political concern when they directed this committee to study "alternatives to busing."

Once it began its study of "busing," the Joint Select Committee quickly recognized the need to examine the larger issue: how Ohio provides transportation for *all* of its students.

This state has a sizeable investment in school transportation--in buying and operating buses. In FY 1978, Ohio transported 1,385,353 public and non-public pupils daily to and from school in 12,943 buses. The actual cost for pupil transportation was $119,937,649, 54% of which was reimbursed by the state. (Although the dollar amounts have increased over the years, this represents a reduction from the 88% reimbursement in Fy 1967.)[14]

[8]Nicholas Mills, ed. *The Great School Bus Controversy*, Teachers College Press, Columbia University, New York, 1977, pp. 6-7.

[9]"Your Child and Busing," the U.S. Commission on Civil Rights, 1972, p. 7.

[10]See *Ohio Revised Code*, Sections 3317.07 and 3327.01; "Standards for the Calculation of Pupil Transportation Operation Payment," Ohio Department of Education 1977-78, 1978-79; and "Standards for the Distribution of State Subsidies for the Purchase of School Buses," Ohio Department of Education, effective September 23, 1974.

[11]See D. Garth Taylor *et. al.*, "Attitudes toward Racial Integration," *Scientific American*, Vol. 238, No. 6, June 1978; George Gallup, "Whites Learn to Accept Desegregation," *Cincinnati Enquirer*, August 28, 1978.

[12]Gary Orfield, *Must We Bus?*, The Brookings Institution, Washington, D.C., 1978, p. 116. (Ironically, black parents from Kansas, South Carolina, Virginia and Delaware first filed suit in federal court in what came to be *Brown v. Board of Education* because their children were either denied the use of buses altogether or because they had to spend more time on a bus than did their white neighbors in order to get to their segregated schools.)

[13]Research sponsored by the Joint Select Committee on sixteen communities across the country, revealed that transportation represented, in most cases, the single greatest *local* expenditure during the initial year of implementing desegregation. (See Appendix III.)

[14]Ohio Department of Education, December, 1978.

School district requests for bus purchase subsidies also exceed the amount appropriated. In 1977-79, almost $22.6 million helped purchase 2,411 buses, of a total 2,779 requested. The State Department of Education projected 3,200 requests for the coming biennium, excluding potential transportation needs arising from desegregation orders. Ohio's school transportation needs are expected to increase, due to inflation and obsolescence. The Department estimates that 4,400 buses, or one-third of Ohio's total bus fleet, will have to be replaced by 1981, because of old age and safety factors.

Clearly, the preceding figures indicate a compelling state interest in providing the most economical, equitable and efficient system of school transportation to Ohio residents, wherever they live, and for whatever reason -- be it geographic distance, rural consolidation, suburban sprawl, urban transportation, or desegregation.

Witnesses before this committee and research done at our request suggested several ways to reduce transportation costs and provide efficient service. In general, Ohio needs to explore methods by which school districts can better utilize mass transportation systems.

Of fifty-four large school systems across the country, twenty-eight district use mass transit as part of their normal pupil transportation plans.[15]

Five Ohio school districts -- Toledo, Cincinnati, Canton, Youngstown and Cleveland -- already make some or extensive use of regional transit systems.

A look at Toledo's expenditures, for example, shows that over two-and-one quarter times as many students use public transit than school buses, at comparable costs.[16]

TOLEDO, 1977-78 SCHOOL YEAR

Mode of Transportation	# of Students	Cost
School bus*	8,891	$1,032,938
Public Transit	20,281	1,319,335
Parental contracts	116	8,932

*Includes special education and handicapped students.

Clearly the best technical skills available are needed to provide Ohio residents with a safe, adequate transportation system at the least cost. Utilizing these skills to deal with Ohio's transportation needs should assist districts in complying with court orders. It should enable school boards to design desegregation plans in the most efficient, least disruptive way. And it should indicate how districts can obey the Constitution at far less cost, both economically and politically, than exists today.

RECOMMENDATION V: TRANSPORTATION

a. The General Assembly should treat and fund the transportation needs of all school districts uniformly whether for geographic distance, rural consolidation, suburban sprawl, urban transportation or desegregation.

b. In order to provide the most efficient, cost-effective transportation system to Ohio's residents, and as an alternative to unnecessary busing, the General Assembly should strengthen the transportation capabilities of the State Department of Education. Enabling legislation and funding should be provided, requiring the Department of Education to:

i. verify and validate all transportation costs incurred by school districts -- using, if necessary, the expertise of a computer consultant -- and fund only those costs so verified;

ii. provide technical assistance to school districts, upon request, in computerizing their bus routes and in rerouting; in making long-range bus purchase plans; and in providing the most efficient transportation delivery system,

iii. regularly utilize a computer to determine the most efficient transportation methods and routes for school districts and:

[15]Office of the Comptroller, New York City, Audit of the New York City Board of Education, *Pupil Transportation*, Final Report, August 11, 1978.

[16]This information was provided by Mike Bateson in a transportation report prepared for the Joint Select Committee on School Desegregation, November, 1978.

(a) provide fiscal incentives for school districts which adopt these plans;

(b) provide fiscal disincentives for school districts which refuse to cut costs accordingly.

c. The General Assembly should also authorize and encourage the State Department of Education to:

i. review and make recommendations concerning building sites (openings and closings), as well as the general use of school facilities by local districts, relative to the impact of transportation costs and on educational program considerations;

ii. provide technical assistance to school districts voluntarily seeking to enter into cooperative arrangements with regional transit authorities;

iii. provide technical assistance, in cooperation with county boards of education, to school districts voluntarily wishing to develop county-wide transportation plans, regarding bus purchase agreements, sharing of fleets and the staggered use of buses;

iv. explore ways, in cooperation with the Ohio Department of Transportation, to obtain additional federal mass transit dollars to assist regional transit systems which provide services to school districts.

VI
Housing

FINDINGS

The General Assembly charged the Joint Select Committee with studying "alternatives to busing and the state's role in reducing racial imbalance in the public schools." It quickly became apparent, that any serious treatment of this responsibility necessitated a comprehensive study of the housing practices and patterns in Ohio and their impact on school policies. Not only because fair housing is the law. Not only because the elimination of housing discrimination will help protect our schools from findings of unconstitutional segregation. But because stable, integrated neighborhoods present the most realistic, long-term "alternatives to busing."

Ohio's minority populations are concentrated in the urban areas of the state and within certain sections of these areas. An analysis of the racial composition of the eight major metropolitan areas in Ohio -- all of which are involved in some form of desegregation activity -- illustrates a uniformly high degree, over time, of residential segregation.

Major Cities of Ohio[17]
Residential Segregation Index
1940-1970

	1940	1950	1960	1970
Mean for 109 Cities Surveyed:	85.2	87.3	86.1	81.6
Youngstown	80.0	83.5	78.5	74.9
Toledo	91.0	91.5	91.8	86.7
Dayton	91.5	93.3	91.3	90.1
Columbus	87.1	88.9	85.3	84.1
Cleveland	92.0	91.5	91.3	89.0
Cincinnati	90.6	91.2	89.0	83.1
Canton	89.9	89.3	81.5	82.4
Akron	82.2	87.6	88.1	81.2

This segregation index provides a measurement of the integration or segregation of a community. It illustrates the percentage of the black population which would have to move to create a population distribution where no census tract would contain a proportion of blacks greater than the city-wide proportion. Consequently, a metropolitan area which is perfectly integrated so that all neighborhoods have an identical racial composition would have a value of zero. Total segregation, on the other hand, would be one-hundred, with all minorities living in exclusively minority areas and all whites living in exclusively white areas.

While this table indicates the high degree of residential separation in Ohio's major cities over time, the pattern is by no means limited to the larger urban areas.[18] It is not surprising, then, that residential segregation, devoid of any preventative policy, will result in segregated schools.

The problems intensify when existing fair housing laws are not being adequately enforced. It is illegal under state and federal law to deny anyone equal opportunity in housing on the basis of race, sex, color, religion, national origin, or handicap. Still, equal housing opportunity "may not be a fact of life for over one million minorities living in Ohio."[19]

According to a recent state study of Ohio's housing needs:

> Discriminating practices can be very subtle and often times go unrecognized. Even where they are suspected, proof is difficult to obtain . . . Studies by [the U.S. Department of] Housing and Urban Development, the Ohio Civil Rights Commission and local groups find that discrimination is most often evidenced by 'racial steering,' by realtors citing different terms and conditions for rental or sale, or reporting that advertised units 'have already been taken.'[20]

To learn more about the interrelationship between housing patterns and practices and school student assignment policies, the Joint Select Committee sponsored an extensive research project. Major findings included the following:[21]

- A high correlation exists between residential segregation and school segregation in Ohio's major urban areas. Assigning students to neighborhood schools will, therefore, result in schools segregated by race when the neighborhood population is segregated. Two corrective measures are available: alter the

[17] Annemette Sorenson, Leslie Hollingsworth and Karl Taeuber, *Sociological Focus*, April, 1975, as quoted in "A Comprehensive Review of Housing Decisions and Demography as Factors in School Desegregation in Ohio," Part VI, prepared for the Joint Select Committee on School Desegregation, November, 1978.

[18] *Ohio Housing Element*, 1978, p. 4-7. This is a comprehensive study of Ohio's housing needs written by the state and funded in part through a comprehensive planning assistance grant from the U.S. Department of Housing and Urban Development.

[19] *Ibid.*, p. 10-5.

[20] *Ibid.*, p. 10-6.

[21] *A Comprehensive Review of Housing Decisions and Demography as Factors in School Desegregation in Ohio*, a series of reports by the Cuyahoga Plan of Ohio, Inc.; the Housing Advocates, Inc.; and the Heights Community Congress, financed under a contract with the Joint Select Committee on School Desegregation, November 1978. The information contained in Section VI is taken largely from these reports.

neighborhood school assignment policy or change the segregated neighborhood housing patterns. The latter remedy is principally a matter of attracting (or retaining) white or black child-rearing families to the same neighborhood and convincing them to send their children to the public schools.

● Rapid racial resegregation in a community will result in serious social and economic costs and dislocations--in lowered housing values, lowered property values, unavailability of mortgage funds and higher unemployment rates. In contrast, a community which develops strategies and programs early on to stabilize racial changes in housing, is likely to experience less economic and social dislocation.

● Ohio is not providing its residents with adequate protection from housing discrimination. An examination by the committee's consultants of the four state agencies in Ohio having housing responsibilities indicated:

THE OHIO CIVIL RIGHTS COMMISSION, under Chapter 4112 of the Ohio Revised Code, is charged with enforcing Ohio's anti-discrimination laws, including those in the area of housing. However, that responsibility is not being effectively executed by the Commission -- due to statutory and budgetary constraints, inadequate use of its existing authority and resources, and the absence of effective relationships with other state agencies sharing fair housing responsibilities.

This conclusion is supported by figures contained in the Civil Rights Commission's own annual report: Of the fifty-three housing cases brought to the Commission, forty-one concerned charges of discrimination on the basis of race. The total number of housing cases constituted 1.1 per cent of the Commission's entire new-case intake. The report cautions:[22]

> the small number of housing charges registered with the agency should not be interpreted to indicate that the housing problem has been practically solved. Segregation and discrimination in the sale and rental of real estate has been and still remains one of the most severe human relations problems in Ohio . . . The fact that housing discrimination is still very evident in Ohio, suggests that the intake in housing should be high. However, the law does not permit the Commission to initiate complaints of housing discrimination.

In contrast, the U.S. Department of Housing and Urban Development received 134 complaints from Ohio citizens in 1977. The Cuyahoga Plan, a private agency that operates a discrimination complaint service, received 199 complaints. The state's own study of its housing needs concludes: "It appears that the local initiatives of these private, non-profit agencies using federal and state laws and voluntary agreements, are the most effective and productive efforts toward securing equal housing opportunity in Ohio."[23]

THE OHIO REAL ESTATE COMMISSION, created in Section 4735.03 of the Ohio Revised Code, is charged with regulating the real estate industry. Upon investigation, the Commission may suspend or revoke the license of any real estate agent or broker convicted of violating federal or state civil rights laws in the area of housing. Research findings presented to the Joint Select Committee point to the Commission's vague enforcement powers relative to preventing housing discrimination. While the Commission is neither well equipped nor well disposed toward using its present authority, it does have sufficient resources to educate and monitor licensees in order to insure compliance with existing and future fair housing statutes.

THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT is authorized to coordinate the planning activities for and among state agencies in the area of housing. This is not being done, with the result that Ohio has neither a state housing policy nor a coordinated state housing effort. Any planning has been in response to federal requirements. However, DECD has recently created a State Housing Office which could focus state activities on Ohio's housing needs as well as on eliminating illegal discrimination and expanding housing opportunities.

THE OHIO HOUSING DEVELOPMENT BOARD was created by the General Assembly to administer a state revenue bond program, designed to stimulate the housing market for individuals with low and moderate incomes. The Board's potential impact in correcting the effects of past discrimination, however, has been restricted by an Ohio Supreme Court decision declaring its major program unconstitutional.

The fact that anti-discrimination charges are being pursued more effectively through the federal courts and by private housing advocacy groups than through state channels, has serious implications for state policy-makers. Not only does this situation practically guarantee more federal involvement in Ohio, it also denies to her citizens another channel through which their civil rights could be protected.

Stricter enforcement of anti-discrimination laws in housing makes good sense economically. It would protect the investment of Ohio's homeowners who either cannot afford to move to the suburbs or who wish to remain in the cities but fear a lowering of their property values. It would protect the revenue sources of schools and local governments, which depend on a healthy, growing tax base.

Stricter enforcement of anti-discrimination laws in housing also makes good sense legally. Courts are increasingly beginning to consider liability findings

[22]Ohio Civil Rights Commission, *19th Annual Report*, 1977-78, pp. 8-9.

[23]*Ohio Housing Element*, 1978, p. 4-27.

brought against housing authorities in school desegregation litigation. This is readily apparent in Ohio, where plaintiffs in the Akron desegregation case filed charges against not only the board of education, but also the Mayor and City of Akron, the Akron Metropolitan Housing Authority, the President of the Ohio Real Estate Commission and the Secretary of the U.S. Department of Housing and Urban Development.[24]

Finally, stricter enforcement of anti-discrimination laws governing housing makes good sense educationally. Numerous school officials in testimony before the Joint Select Committee revealed their sense of frustration over an inability to prevent segregation at its roots, in the neighborhood.

But attempts to correct housing segregation can and should be made. Efforts are needed to promote cooperation between school boards and local governments in developing mutually beneficial desegregation policies. Efforts are needed to reward communities which take actions to remain integrated. Just as housing practices must not be allowed to result in segregated schools, so too must school policies regarding student assignments and building locations not be allowed to escalate the segregation of neighborhoods. For, according to one housing expert: "Having no policy for school desegregation is really having a policy of making the people in the transitional area bear the full burden of racial change and insuring that the process will produce nothing more than ghetto or barrio expansion."[25]

RECOMMENDATION VI: HOUSING

a. To provide for an effective *research and planning program* in the area of housing, the General Assembly should create, in statute, a STATE HOUSING OFFICE as a division in the Department of Economic and Community Development, with sufficient authority and funding to:

   i. act as the housing planning agency for the various agencies of state government; conduct research and planning activities to eliminate current discrimination in housing and correct the effects of past discrimination; and provide information on Ohio's residential needs and demographic conditions on an ongoing basis;

   ii. develop policies and planning requirements: (1) for individual state agencies, designed to eliminate unlawful discrimination and (2) in cooperation with the State Department of Education, to encourage racial integration in both housing and in the schools;

   iii. issue an annual report, pursuant to the Department of Economic and Community Development's existing responsibility under Section 122.06(H) of the Ohio Revised Code, describing: (1) the extent of Ohio's fair housing problems; (2) the actions and funding efforts of state agencies to correct these problems; (3) the progress toward specific goals; and (4) the progress and failures of local governments to enforce anti-discrimination laws and encourage residential integration. The report shall be filed with the Speaker of the House and the President of the Senate for distribution to the members of the General Assembly;

   iv. encourage the establishment of specific objectives by local planning agencies for correcting segregated housing patterns in the major metropolitan areas of the state;

   v. utilize and support the efforts of private fair housing organizations that develop and implement local plans to achieve fair housing goals.

b. To *coordinate and monitor* the efforts of all state agencies whose functions have an impact on housing, the General Assembly should:

   i. establish a TASK FORCE consisting of the heads of these agencies, to coordinate a state strategy for implementing policies and programs to prevent housing discrimination. The task force shall consist of the Executive Director of the Ohio Civil Rights Commission; the Director of Insurance; the Director and the Superin-

[24] *Bell v Akron Board of Education*, Case No. C-78-208, 1978.

[25] Orfield, *op. cit.*, p. 440, 1978.

tendents of the Division of Real Estate, the Division of Building and Loan and the Division of Banks in the Department of Commerce; the Director of the Department of Economic and Community Development and the Director of the State Housing Office; the Executive Director of the Ohio Housing Development Board; the Attorney General; the State Superintendent of Public Instruction and any other appropriate official;

ii. establish a MONITORING PROGRAM under the State Housing Office, to measure the performance of state agencies having responsibilities in the area of fair housing. In fulfilling this function, the State Housing Office shall:

a) require the reporting of data from state regulated financial institutions in order to monitor their compliance with state and federal laws relating to lending practices;

b) monitor the policies and practices of homeowner and automobile insurance companies to detect "disinsurance" trends;

c) collect and keep on file the existing local fair housing ordinances and procedures adopted in Ohio communities, as well as a list of housing agencies in those communities;

c. To provide statutory support for cooperative efforts between *school districts and local governments* in order to encourage integration -- and as an alternative to unnecessary busing -- the General Assembly should:

i. authorize school boards to cooperate financially and programmatically with local fair housing groups;

ii. enact legislation specifically permitting school boards and local governments jointly to establish fair housing offices;

iii. as state policy, strongly encourage school boards, when designing desegregation plans, to exempt integrated neighborhoods from systemwide transportation orders.

d. To provide for more effective *enforcement* of civil rights statutes and other laws prohibiting housing discrimination, the General Assembly should:

i. increase the authority of the Ohio Civil Rights Commission to:

a) initiate investigations and undertake lawsuits on its own volition;

b) initiate suits in Common Pleas Court;

c) obtain monetary and injunctive relief on behalf of victims of discrimination in a court of law;

ii. provide for, in suits filed in Common Pleas Court, under Ohio Revised Code Chapter 4112;

a) the right to jury trial;

b) the recovery of statutory damages, plus punitive damages for flagrant violations (currently, the laws provides only for the recovery of "actual damages,");

c) clarification that all individuals have standing in Common Pleas Court relative to the state fair housing laws, notwithstanding the laws governing the regulation of real estate practices;

d) the possibility of establishing a state security fund for the granting of temporary injunctions or restraining orders in fair housing cases brought under state law;

iii. increase the budget of the Ohio Civil Rights Commission commensurate with its present and expanded responsibilities;

iv. authorize the Ohio Civil Rights Commission to cooperate with private fair housing organizations to:

a) accept and investigate housing discrimination complaints;

b) collect data on the types and extent of housing discrimination;

v. authorizes the Ohio Civil Rights Commission to monitor real estate licensees to assure compliance with civil rights laws. As an alternative to court action, the Commission should be authorized to file complaints directly with the Ohio Real Estate Commission requesting a definite action on the suspension or revocation of license. The Real Estate Commission should be required to make a determination, yet it should also retain complete authority over licensure decisions;

vi. authorize the Ohio Civil Rights Commission to file notice of pendency of Commission proceedings in housing matters with county clerks of courts. The Commission should also be required to notify the clerks of courts of the resolution of such proceedings;

vii. when there is a court finding of liability in a federal, state or local civil rights suit;

a) require the state court and permit the plaintiffs in federal court to notify both the Ohio Civil Rights Comimission and the Ohio Real Estate Commission;

b) require the Ohio Civil Rights Commission and the Ohio Real Estate Commission to verify the notification and take appropriate action;

c) require the Ohio Real Estate Commission to hold a hearing and give its reasons for either suspending or revoking a license or for taking no such action;

viii. require the Ohio Civil Rights Commission to give housing complaints the highest priority. The General Assembly should also:

a) investigate the process by which housing complaints are resolved;

b) consider requiring a statutory time frame to govern the Ohio Real Estate Commission's handling of fair housing complaints, as they affect license action;

c) consider requiring the Ohio Real Estate Commission to meet certain time frames when handling licensure complaints in *all* areas;

ix. require the Ohio Civil Rights Commission to conduct a public information program on the seriousness of the housing discrimination problem in Ohio and regarding the available avenues of relief;

e. The General Assembly should support programs operated by *local private fair housing agencies* in the absence of or in complement to effective state action.

Conclusion

While each of us on the Joint Select Committee approaches the issue of school desegregation with different emotions and expectations, we share one common realization -- that the fate of these recommendations hinges on their acceptance by a majority of our legislative colleagues. The burden of proof is on our shoulders. It is we who must convince our counterparts from every region of Ohio of the need to act, or the consequences of not acting.

Our report is, therefore, written for a specific audience. It is written for the legislator concerned about school desegregation, but who needs more information. It is written for the legislator who has not had to confront the issue in his or her own backyard, but who must be convinced of the need to respond on other grounds. Finally, it is written for the legislator who equates school desegregation with "forced busing," but who wants to consider realistic and long-term alternatives to court-ordered transportation. Members of this committee fall into all three categories.

Neither civil rights advocates nor anti-busing forces will likely be enamored with this approach. However, our knowledge of Ohio, her traditions, her people and her government, dictates a middle-of-the-road position, predicated on political and economic realities.

It is our firm conviction, after having seriously weighed the alternatives, that these recommendations represent the best and most feasible course of action for Ohio's citizens.

The true test of our efforts comes not today with the adoption of this report. The true test of our efforts will come in the months and years ahead -- with an open-minded consideration and the equitable resolution of the school desegregation issue in Ohio.

PUBLIC HEARINGS, WITNESSES AND RESOURCE PEOPLE

The following witnesses annd resource people provided testimony to the Joint Select Committee on School Desegregation during a series of public hearings held in February through November 1978:

FEBRUARY 24, 1978

TOPIC: background information relative to school desegregation and the implications for Ohio

WITNESSES:

1. Mr. David Parham, Attorney
   Study Group on Racial Isolation
   Cleveland, Ohio
2. Dr. Rachel B. Tompkins, Director
   Citizens' Council for Ohio Schools
   Cleveland, Ohio
3. Representatives from the State Department of Education

   Dr. Robert A. Greer
   Assistant Superintendent for Urban Education

   Dr. G. Robert Bowers
   Assistant Superintendent of Public Instruction

   Mr. Arthur L. Bouldin
   Director, Division of Equal Educational Opportunity

   Ms. Hazel Flowers
   Division of Equal Educational Opportunity

   Mr. Herman L. Massie
   Chief, Pupil Transportation Section

MARCH 27, 1978

TOPIC: the nature of Ohio's school desegregation problems with a look toward positive, preventative state action; initiatives or existing programs which reduce racial imbalance in representative Ohio school districts

WITNESSES:

1. Ohio Civil Rights Commission

   Ms. Sharon Aldridge
   Director of Education and Community Relations

   Mr. Frank Gibb
   Legal Liaison

2. Mr. Nathaniel R. Jones, General Counsel
   National Association for the Advancement of Colored People
3. Dr. Robert W. Evans, Director
   Kent Center for Educational Development and Strategic Services (KEDS)
4. Office for Civil Rights, U.S. Department of Health, Education and Welfare

   Mr. Kenneth Mines, Director
   Region V
   Chicago, Illinois

   Mrs. Pat Wofford, Senior Specialist
   Cleveland, Ohio

5. Lorain City School District

   Dr. Charles E. Nunley, Superintendent

   Dr. Eugene Banks, Desegregation Specialist

6. Xenia City School District

   Mr. Charles Purvis, Director of Personnel and Federal Programs

7. Shaker Heights City School District

   Dr. Mark Freeman, Director of State and Federal Relations (on behalf of Dr. Jack Taylor, Superintendent)

8. Springfield City School District

   Mr. Kenneth Dale, Coordinator of Planning and Evaluation

9. Cincinnati City School District

   Dr. James Jacobs, Superintendent

   Mr. William Dickinson, Principal
   School for Creative & Performing Arts

APRIL 10, 1978

TOPIC: school desegregation policies of three states

WITNESSES:

1. Dr. Charles Glenn, Director
   Bureau of Equal Educational Opportunity
   Massachusetts Department of Education
   Boston, Massachusetts

2. Dr. Robert A. Lyons
Deputy Superintendent
Illinois Office of Education
Chicago, Illinois

3. Mr. Dennis J. Conta
Secretary of Revenue
State of Wisconsin
Madison, Wisconsin

MAY 12, 1978

TOPIC: the impact of housing patterns and practices on school segregation

WITNESSES:

1. Mr. Stuart Meck, Regional Planner
Miami Valley Regional Planning Commission
Dayton, Ohio

2. Ms. Peggy Murphy, Planning Director
Housing Advocates, Inc.,
Cleveland, Ohio

3. Mr. Kermit J. Lind, Executive Director
The Cuyahoga Plan of Ohio, Inc.,
Cleveland, Ohio

4. Ms. Lana A. Cowell, Executive Director
Heights Community Congress
Cleveland Heights, Ohio

5. Mr. Carl F. White, Director
Housing Opportunity Center
Columbus, Ohio

6. Mr. John C. Johnson, Superintendent
Division of Real Estate
Ohio Department of Commerce
Columbus, Ohio

7. Mr. David Harcum, Superintendent
Greenhills-Forest Park City School District
Cincinnati, Ohio

JUNE 16, 1978

TOPIC: public testimony

WITNESSES:

1. Ms. Joyce DeHaven, President
National Association of Neighborhood Schools
Dallas, Texas

2. Mr. John L. Jones
Concerned Citizens for Equal Education
Columbus, Ohio

3. Ms. Carol Lister, Regional Director
Anti-Defamation League of B'nai B'rith
Columbus, Ohio

4. Reverend George M. Miller
Metropolitan Churches United
Dayton, Ohio

5. Mr. John R. Nungesser, Parent
Columbus, Ohio

6. Reverend Duane Holm
Metropolitan Area Religious Coalition of Cincinnati
Cincinnati, Ohio

7. Ms. Gretchen Sayre, Chairperson
Concerned Citizens of Centennial Area
Columbus, Ohio

8. Mr. Carl Faller, Ms. Carol Glover, Mr. Gregory Moore, Ms. Joyce Rice and Mr. Rodney Turner
Youth Task Force on School Desegregation
Cleveland, Ohio

9. Reverend Gordon Major
Metropolitan Mission
Toledo, Ohio

10. Mr. William L. Buckel, Parent
Columbus, Ohio

11. Ms. Joyce Haws
Citizens for Neighborhood Schools
Cleveland, Ohio

12. Ms. Sue G. Nelson
Collinwood Community Congress
Cleveland, Ohio

13. Ms. Sue Phillips, President
League of Women Voters, Columbus
Columbus, Ohio

14. Ms. Amy Harper, Parent
Columbus, Ohio

15. Mr. Robert Hammersmith
Attorney and Parent
Columbus, Ohio

16. Ms. Roz Sonenstein, Parent
Columbus, Ohio

17. Dr. William Wayson
Faculty of Educational Development
Ohio State University
Columbus, Ohio
(submitted written testimony)

JUNE 30, 1978

TOPIC: recommendations from representatives of the educational profession

WITNESSES:

1. Coalition of Religious Congregations, Columbus, Ohio

   Reverend Gerald Bertsch

   Ms. Lila Carol

2. Dr. Everett L. Jung, M.D., President
   State Board of Education
3. Ms. Sharon Aldridge
   Director of Education and Community Relations
   Ohio Civil Rights Commission
4. Mr. Gordon Hoffman, Associate Vice-President
   Ohio School Boards Association
5. Dr. Frank Barr, President
   Buckeye Association of School Administrators
6. Mrs. Shirley Nurmi
   Director of Region IV
   Ohio Congress of Parents and Teachers
7. Mr. Ray McFarlane, I.P.D. Associate
   Human Relations & Affirmative Action
   Ohio Education Association
8. Columbus City School District

   Mr. Paul Langdon, President, Board of Education

   Dr. Joseph Davis, Superintendent
9. Akron City School District

   Mr. Brian Williams, Director of Special Projects

   Mr. William Tenney, Director of Secondary Education
10. Mr. Rollin Furnas, Director of Staff Development
    Dayton City School District
11. Ohio Association of Elementary School Principals
    (submitted written testimony)

SEPTEMBER 18, 1978

TOPIC: local and federal perspectives on the role of the state in school desegregation

WITNESSES:

1. Honorable Tom Moody
   Mayor of Columbus
   President, National League of Cities
2. Honorable Arthur S. Flemming
   Chairman, U.S. Commission on Civil Rights
3. Dr. George R. Rhodes, Jr.
   Assistant to the Associate Commissioner
   Equal Education Opportunity Programs
   U.S. Department of Health, Education and Welfare
4. Mr. David Lerch
   Chief, Special Projects Branch
   Equal Educational Opportunity Programs
   U.S. Department of Health, Education and Welfare
5. Mr. Dudley E. Flood
   Assistant Superintendent
   North Carolina Department of Public Instruction
   Member, National Task Force on Desegregation Strategies, Denver, Colorado

NOVEMBER 13, 1978

TOPIC: presentation of research papers

RESOURCE PEOPLE:

1. Committee staff
   Definitions and summary of desegregation policies in nine other states
2. Ms. Karen Paquette, Legislative Budget Office
   Cost data on desegregation in selected Ohio cities
3. Ms. Catherine L. Harper, Senate staff
   Existing inter-governmental cooperative arrangements in Ohio
4. Committee staff
   Ohio's urban education pilot projects
   Contact person: Mr. Ambroze Brazelton, Ohio Department of Education
5. Mr. Mike Bateson, Senate staff
   Transportation
6. Dr. Betty Melragon
   Human relations and teacher preparation
7. Ms. Marian Bontempo, Senate staff
   Citizen participation
8. Committee staff
   Student achievement scores

NOVEMBER 27, 1978

TOPIC: presentation of research findings

RESOURCE PEOPLE:

1. The Local Costs of School Desegregation: A study of 17 school districts across the country, which have implemented school desegregation plans.

   Mr. Gordon R. Hoffman
   Superintendent, Sylvania City School District
   PhD Candidate, Ohio State University

   Mr. Harrison D. Jackson, Teaching Associate
   Ohio State University

   Mr. Douglas E. Kammerer, Teaching Associate
   Ohio State University

2. Estimates of State Operating Costs to Administer Various Desegregation Programs

   Dr. Robert Greer, Assistant Superintendent for Urban Education
   Ohio Department of Education

3. Transportation Costs and School Desegregation

   Mr. Jerome P. Couzins, Director of Pupil Transportation
   Cincinnati City School District

4. Research Findings on the Linkage Between Housing and School Segregation

   The Cuyahoga Plan of Ohio, Inc.

   Mr. Kermit J. Lind, Executive Director

   Mr. Edward McNeeley

   Mr. Richard Obermans

   The Housing Advocates, Inc.

   Mr. Edward J. Kramer, Executive Director

   Mr. Avery Friedman

   Ms. Marilyn Sobol

   Ms. Rene Whiteside

RESEARCHERS

The following people prepared position papers for the Joint Select Committee:

I. Teacher preparation and human relations training: a progress report on Ohio's new teacher training standards and a survey of the human relations programs offered at Ohio's forty-nine teacher training institutions of higher education

   Dr. Betty Melragon

   The Ohio Board of Regents assisted the committee by mailing the survey to the Deans of the Colleges of Education at the forty-nine public and private institutions.

II. Ways to enhance citizen input into formulating and implementing desegregation programs

   Ms. Marian Bontempo
   Legislative Assistant
   Senate Majority Staff

III. Transportation and School Desegregation

   Mr. Mike Bateson
   Legislative Assistant
   Senate Minority Staff

IV. Existing cooperative arrangements among Ohio political subdivisions

   Ms. Catherine L. Harper
   Legislative Assistant
   Senate Majority Staff

V. Costs of desegregation in Ohio school districts

   Ms. Karen K. Paquette
   Legislative Budget Office

COMMITTEE CONSULTANTS

The following people provided reports and/or testimony to the Joint Select Committee under contract:

I. A study of the cost of implementing desegregation plans in seventeen major cities

Mr. Gordon R. Hoffman, Superintendent
Sylvania City School District

Mr. Harrison D. Jackson, Teaching Associate
Ohio State University

Mr. Douglass E. Kammerer, Teaching Associate
Ohio State University

Ms. D. Jeanie Laws, Research Associate

Ms. Edwina Moccabee, Research Associate

II. A comprehensive review of housing decisions and demography as factors in school desegregation in Ohio

The Cuyahoga Plan of Ohio, Inc.

Mr. Kermit L. Lind, Executive Director

Mr. Edward McNeeley

Mr. James Zeller

Mr. Richard Obermans

The Housing Advocates, Inc.

Mr. Edward J. Kramer, Executive Director

Ms. Marilyn Sobol

Mr. Avery Friedman

Ms. Renee Whiteside

The Heights Community Congress

Ms. Lana Cowell, Executive Director

III. Economical delivery of transportation services

Mr. Jerome P. Couzins
Director of Pupil Transportation
Cincinnati City School District

Appendices

Appendix I

OHIO SCHOOL DISTRICTS -- WITH MINORITY ENROLLMENTS OF 10% OR MORE: CHANGING RACIAL/ETHNIC PATTERNS, OVER A 10 YEAR PERIOD, 1968-69 TO 1978-79

County and School District	School Year	Total Student Enrollment	% White	% Black	% Hispanic	% Asian/ Pacific Islander	% American Indian/ Alaskan Native	% + or — in Enrollment 1968 to 1978
Allen								
Lima	1968	11,107	75.8	23.6	0.4	0.2	0.0	
	1978	8,359	65.7	33.4	0.7	0.1	0.0	-24.7
Perry Local	1968	1,147	78.5	21.5	0.0	0.0	0.0	
	1978	1,020	83.9	15.7	0.4	0.0	0.0	-11.1
Ashtabula								
Ashtabula Area	1968	7,835	91.4	7.8	0.6	0.0	0.2	
	1978	6,235	88.1	9.8	1.5	0.4	0.1	-20.4
Butler								
Hamilton	1968	15,463	89.7	10.0	0.1	0.1	0.0	
	1978	11,462	88.2	11.2	0.2	0.4	0.0	-25.9
Middletown	1968	14,072	87.1	12.8	0.1	0.1	0.0	
	1978	11,466	86.2	13.3	0.1	0.3	0.2	-18.5
Clark								
Springfield	1968	18,410	78.5	21.3	0.1	0.0	0.1	
	1978	13,235	76.0	23.4	0.2	0.3	0.0	-28.1
Cuyahoga								
Bedford	1968	7,578	95.8	4.0	0.1	0.2	0.0	
	1978	5,880	82.7	16.2	0.1	1.0	0.0	-22.4
Cleveland	1968	156,054	42.5	55.9	1.4	0.1	0.1	
	1978	102,304	31.8	64.0	3.4	0.4	0.3	-34.4
Cleveland Hts - University Hts	1968	13,261	97.2	1.9	0.3	0.6	0.0	
	1978	9,594	60.7	37.6	0.4	1.2	0.1	-27.7
East Cleveland	1968	7,396	29.4	70.3	0.1	0.1	0.0	
	1978	8,473	0.8	98.9	0.1	0.2	0.0	+14.6
Shaker Hts	1968	7,873	78.3	21.6	0.0	0.1	0.0	
	1978	6,146	62.3	36.5	0.1	1.0	0.0	-21.9
Warrensville Hts	1968	3,088	74.4	24.9	0.2	0.4	0.1	
	1978	3,160	5.8	92.8	0.4	1.4	0.0	+ 2.3
Bratenahl Local	1968	183	77.6	21.3	0.0	1.1	0.0	
	1978	188	72.3	27.7	0.0	0.0	0.0	+ 2.7

OHIO SCHOOL DISTRICTS -- WITH MINORITY ENROLLMENTS OF 10% OR MORE: CHANGING RACIAL/ETHNIC PATTERNS, OVER A 10 YEAR PERIOD, 1968-69 TO 1978-79 (cont.)

County and School District	School Year	Total Student Enrollment	% White	% Black	% Hispanic	% Asian/ Pacific Islander	% American Indian/ Alaskan Native	% + or — in Enrollment 1968 to 1978
Defiance								
Defiance	1968	3,961	89.8	0.0	10.1	0.0	0.0	
	1978	3,558	85.1	0.6	13.9	0.3	0.0	-10.2
Erie								
Sandusky	1968	6,872	77.1	22.6	0.3	0.0	0.0	
	1978	5,453	67.6	30.5	1.6	0.3	0.0	-20.6
Franklin								
Columbus	1968	110,699	73.8	26.0	0.1	0.2	0.0	
	1978	83,948	62.6	36.6	0.2	0.5	0.1	-24.2
Fulton								
Archbold-Area Local	1968	1,436	89.5	0.0	10.5	0.0	0.0	
	1978	1,446	86.9	0.1	12.9	0.2	0.0	+ 0.7
Pettisville Local	1968	721	86.5	0.7	12.8	0.0	0.0	
	1978	505	85.3	0.0	14.5	0.2	0.0	-30.0
Greene								
Xenia	1968	8,837	88.4	11.5	0.1	0.0	0.1	
	1978	7,112	88.1	11.4	0.1	0.3	0.1	-19.5
Yellow Springs	1968	1,173	67.9	31.4	0.2	0.6	0.0	
	1978	816	68.5	29.4	0.0	2.1	0.0	-30.4
Hamilton								
Cincinnati	1968	86,807	56.7	42.9	0.1	0.2	0.0	
	1978	59,518	44.3	55.2	0.1	0.4	0.0	-31.4
Greenhills/Forest Park	1968	7,084	98.3	1.3	0.2	0.3	0.0	
	1978	7,346	75.2	23.8	0.3	0.6	0.0	+ 3.7
Lockland	1968	1,083	86.6	13.2	0.2	0.0	0.0	
	1978	823	82.5	17.5	0.0	0.0	0.0	-24.0
Mt. Healthy	1968	6,986	95.2	4.5	0.1	0.2	0.0	
	1978	6,468	69.9	29.6	0.1	0.3	0.0	- 7.4
N. College Hill	1968	2,262	88.4	11.2	0.2	0.1	0.0	
	1978	1,713	83.4	16.2	0.0	0.3	0.1	-24.3

Princeton	1968	8,419	87.9	11.9	0.0	0.1	0.1	
	1978	7,820	65.5	33.6	0.2	0.7	0.0	- 7.1
Wyoming	1968	2,366	89.7	10.0	0.1	0.2	0.0	
	1978	1,828	88.2	10.3	0.3	0.0	1.1	-22.7
Henry								
Holgate Local	1968	804	82.8	0.0	17.2	0.0	0.0	
	1978	793	79.8	0.1	19.7	0.4	0.0	- 1.4
Patrick Henry Local	1968	1,747	89.8	0.0	10.1	0.1	0.0	
	1978	1,556	84.2	0.0	15.4	0.3	0.1	-10.9
Jefferson								
Steubenville	1968	4,912	74.5	25.3	0.0	0.1	0.1	
	1978	3,285	68.7	30.9	0.0	0.4	0.0	-33.1
Lake								
Painesville	1968	3,745	80.1	19.2	0.5	0.2	0.0	
	1978	2,715	79.3	18.9	1.2	0.4	0.2	-27.5
Lorain								
Elyria	1968	13,293	85.2	14.3	0.3	0.1	0.1	
	1978	11,854	81.3	17.4	0.7	0.5	0.2	-10.8
Lorain	1968	17,308	72.2	13.2	14.4	0.1	0.2	
	1978	14,282	60.5	18.0	19.3	0.2	2.0	-17.5
Oberlin	1968	2,352	64.2	35.1	0.2	0.4	0.0	
	1978	1,803	64.1	34.2	0.6	1.1	0.0	-23.3
Clearview Local	1968	1,947	74.1	16.7	9.2	0.1	0.0	
	1978	1,423	73.2	19.5	7.2	0.0	0.1	-26.9
Lucas								
Toledo	1968	61,684	70.8	26.7	2.3	0.1	0.0	
	1978	48,711	62.6	32.8	4.2	0.4	0.1	-21.0
Mahoning								
Campbell	1968	2,393	74.0	15.6	10.4	0.0	0.0	
	1978	1,815	78.0	14.5	7.2	0.3	0.0	-24.2
Youngstown	1968	26,644	55.9	40.9	3.0	0.2	0.0	
	1978	17,914	44.3	51.3	3.9	0.4	0.0	-32.8
Montgomery								
Dayton	1968	59,527	61.5	38.3	0.1	0.1	0.0	
	1978	35,997	44.8	54.8	0.1	0.2	0.0	-39.5
Trotwood-Madison	1968	5,675	97.0	2.9	0.1	0.0	0.0	
	1978	5,105	62.8	37.2	0.0	0.0	0.0	-10.0
Jefferson Township Local	1968	2,825	33.0	66.0	0.0	0.0	0.0	
	1978	1,817	20.9	78.8	0.0	0.3	0.1	-35.7
Mad River Local	1968	7,290	92.9	5.5	0.9	0.6	0.1	
	1978	6,149	89.6	7.7	0.8	1.8	0.1	-15.7

OHIO SCHOOL DISTRICTS -- WITH MINORITY ENROLLMENTS OF 10% OR MORE: CHANGING RACIAL/ETHNIC PATTERNS, OVER A 10 YEAR PERIOD, 1968-69 TO 1978-79 (cont.)

County and School District	School Year	Total Student Enrollment	% White	% Black	% Hispanic	% Asian/ Pacific Islander	% American Indian/ Alaskan Native	% + or — in Enrollment 1968 to 1978
Muskingum								
Zanesville	1968	8,293	89.2	10.7	0.0	0.1	0.0	
	1978	6,146	86.7	12.4	0.5	0.4	0.0	-25.9
Putnam								
Leipsic Local	1968	1,083	68.9	0.0	31.1	0.0	0.0	
	1978	947	71.6	0.0	28.4	0.0	0.0	-12.6
Pandora-Gilboa Local	1968	824	91.5	0.0	8.5	0.0	0.0	
	1978	760	86.4	0.1	13.4	0.0	0.0	- 7.8
Richland								
Mansfield	1968	12,350	80.6	18.8	0.4	0.1	0.1	
	1978	8,570	74.9	24.2	0.6	0.2	0.0	-30.6
Sandusky								
Fremont	1968	7,132	88.7	4.8	6.5	0.0	0.0	
	1978	6,235	83.4	6.2	10.0	0.3	0.0	-12.6
Gibsonburg Ex. Vil.	1968	1,543	88.7	0.0	11.3	0.0	0.0	
	1978	1,337	88.0	0.0	12.0	0.0	0.0	-13.4
Seneca								
Fostoria	1968	3,571	87.1	8.2	4.6	0.1	0.0	
	1978	2,969	82.7	9.5	7.6	0.2	0.0	-16.9
Stark								
Alliance	1968	6,254	81.8	18.0	0.0	0.1	0.0	
	1978	4,891	81.7	17.6	0.3	0.3	0.0	-21.8
Canton	1968	21,977	79.8	19.6	0.4	0.1	0.0	
	1978	15,502	75.0	24.4	0.3	0.2	0.1	-29.5
Massillon	1968	7,501	85.3	14.3	0.4	0/0	0.0	
	1978	5,634	85.4	14.3	0.3	0.0	0.0	-24.9
Summit								
Akron	1968	58,589	74.0	25.8	0.1	0.1	0.0	
	1978	42,917	65.7	33.6	0.2	0.3	0.3	-26.7

Twinsburg	1968	2,320	86.5	13.4	0.0	0.0	0.1	
	1978	2,502	89.0	10.5	0.4	0.1	0.0	+ 7.8
Trumbull								
Warren	1968	14,310	77.4	22.4	0.1	0.1	0.0	
	1978	10,677	70.6	28.9	0.1	0.3	0.0	-25.4
Bloomfield - Mespo Local	1968	625	82.7	17.1	0.2	0.0	0.0	
	1978	603	82.1	17.9	0.0	0.0	0.0	- 3.5
Williams								
Stryker Local	1968	800	88.5	0.0	10.9	0.0	0.6	
	1978	700	89.7	0.0	9.9	0.1	0.3	-12.5

Total Counties: 27
Total School Districts: 57
Data Sources: 1968-69 data, Ohio Department of Education; 1978-79 data, Individual School Districts

Appendix II

DESEGREGATION ACTIVITIES IN OHIO

A. THE FEDERAL COURTS AND SCHOOL DESEGREGATION: THE FOURTEENTH AMENDMENT

The Fourteenth Amendment to the United States Constitution, which includes the Equal Protection Clause, has provided the foundation for school desegregation litigation across the country. In part, the Amendment states that:

> No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property without due process of law; nor deny to any person in its jurisdiction the equal protection of the laws.

Enforcement of this provision has been sought primarily through the federal courts.

Historically, the first school desegregation suit faced the legal obstacle of *Plessy v Ferguson*,[1] an 1896 United States Supreme Court decision which had upheld a Louisiana statute requiring "equal but separate accomodations" for white and black railway passengers.

In 1954, in *Brown v Board of Education*,[2] the Supreme Court unanimously struck down *Plessy* by deciding that state laws separating students by race were a denial of equal protection, as guaranteed by the Fourteenth Amendment. This decision resulted in the dismantling of legally sanctioned dual school systems throughout the South.

A distinction between *de jure* and *de facto* segregation was drawn -- the former was racial segregation pursuant to state law and/or official governmental action; while the latter was considered racial separation, primarily in the North, which arose "naturally", through residential choice. Federal court cases have focused on outlawing *de jure* segregation in the public schools.

Since the U.S. Constitution does not explicitly address education, Ohio, like other states, has the primary responsibility for providing public education to its residents. This responsibility, the courts have held, must be met in a non-discriminatory fashion. The federal courts, when petitioned, will protect the rights of students upon a showing of different treatment in violation of the equal protection clause, absent a showing of a rational basis or compelling cause state interest.

Ohio Cities

A number of Ohio school districts -- Dayton, Columbus, Cleveland, Youngstown, Akron and Cincinnati -- as well as the State Board of Education and its Superintendent are currently embroiled in federal court litigation, charged with violating the constitutional rights of minority children pursuant to the Equal Protection Clause.

DAYTON

On April 17, 1972, Mark, Patty and Phillip Brinkman and other students in the Dayton Public Schools, represented by the NAACP, filed a complaint in federal district court alleging that the Dayton Board of Education and its Superintendent had engaged in unconstitutional conduct. Other defendants included the Governor, the State Attorney General, the State Board of Education and the State Superintendent of Public Instruction. On November 13, 1972, the trial began, with U.S. Federal District Court Judge Carl Rubin presiding. The trial ended on December 1, 1972, with Judge Rubin rendering his opinion two months later.[3] The Judge concluded that the school board had violated the constitutional rights of the plaintiffs, which required court intervention, pursuant to the mandate of *Brown v Board of Education*.

The court ordered the school board to change its freedom of enrollment plans so as to enhance racial balance; to abolish optional attendance zones; to continue the policy of racial balance in assigning faculty; and to establish new hiring practices for the clerical and maintenance staff. Further, the Board was ordered to take reasonable steps to abolish any and all vestiges of segregation.

The Dayton Board of Education submitted a plan in July, 1973, in accordance with court guidelines, which was subsequently approved. However, the plaintiffs and defendants appealed the decision to the Sixth Circuit Court of Appeals. In August, 1974, the Sixth Circuit Court approved the finding of facts but disallowed the remedy because many one-race schools would remain.

In March, 1975, the District court accepted a new plan submitted by school officials. Once again, the Appeals Court rejected this plan as inadequate because one-race schools would continue to exist. In September, 1975, the court-appointed master, Dr. Charles Glatt, was murdered in his Dayton office as he was working on the new plan. Judge Rubin ordered the district to draft a

[1] *Plessy v Ferguson*, 163 U.S. 537 [1896].
[2] *Brown v Board of Education*, 347 U.S. 483 [1954].
[3] *Brinkman*, et al., *v Gilligan*, et al., C-72-137, Findings of Fact and Memorandum Opinion of Law, February 7, 1973.

plan which would have each school reflect, within 15 percentage points, the minority composition of the district as a whole. The Sixth Circuit Court approved this plan. Smooth implementation was accomplished during the 1976-77 school year. The Dayton School Board appealed the plan to the U.S. Supreme Court which held that the system-wide remedy was too extensive, based on the evidence, and remanded it back to the District Court for further hearings.[4] Specifically, the Supreme Court stated that the lower courts must "determine how much incremental segregative effect these violations had on the racial distribution of the Dayton school population as presently constituted, when that distribution is compared to what it would have been in the absence of such constitutional violations. The remedy must be designed to redress that difference, and only if there has been a system-wide impact may there be a system-wide remedy."

Upon review, Judge Rubin concluded that the plaintiffs had failed to meet the new burden of proof imposed by the Supreme Court and ordered a dismissal of the case. The plaintiffs appealed to the Sixth Circuit Court, which held in their favor; whereupon, the defendants filed an appeal with the Supreme Court. The case is now pending, as desegregation proceeds in Dayton for the third consecutive school year.

COLUMBUS

On June 21, 1973, Gary L. Penick and thirteen other Columbus public school students filed a complaint in federal district court alleging that a recently approved bond issue required the Columbus Board of Education to guarantee them an integrated educational experience.[5] An amended complaint on behalf of all children who attended the Columbus Public Schools was filed on October 22, 1974, charging that the Columbus defendants had intentionally maintained segregated public schools and that the new school construction program had furthered that segregation. The NAACP, representing Penick, also charged that the State Board of Education, the State Superintendent, the State Attorney General and the Governor had failed to bring about desegregation of the Columbus public schools.

In March, 1978, Federal District Court Judge Robert Duncan found both Columbus and State education officials liable for unconstitutional action. Specifically, the judge held that:

- there existed a dual system in Columbus in 1954, which had never been dismantled;
- the school board's decisions on site selection and construction had created racially identifiable schools;
- the use of optional attendance zones had further isolated students by race;
- the Columbus Board had been notified that certain actions would result in segregation, but chose to ignore opportunities to desegregate;
- the school district had done little to break the pattern of housing and school segregation;
- and state officials were liable by their inaction, which had allowed these unconstitutional decisions of the Columbus board to stand.

Both state and local defendants appealed the decision to the U.S. Sixth Circuit Court of Appeals. Meanwhile, the District Court ordered both defendants to submit plans for a system-wide remedy, to be implemented by September, 1978. Subsequently, the U.S. Supreme Court handed down its *Dayton* decision. Judge Duncan, however, reaffirmed his liability findings and continued to order a system-wide plan. After a review of several plans, the court accepted one if found to be suitable.

On July 14, 1978, the Sixth Circuit Court upheld Judge Duncan's findings of unconstitutional segregation against the Columbus Board.[6] Referring to the *Dayton* decision, the Circuit Court reasoned that the "incremental segregative effect" of intentional segregation had been met. Regarding state liability, however, the Circuit Court found that the record did "not show any act on the part of the State Board which *required* the Columbus Board to pursue the segregative policies which the District Judge and this court have found. It also does not show any action that the State Board took affirmatively to desegregate the Columbus schools or even to use its statutory powers to investigate and make findings as to whether the Columbus schools were being operated within the law." The case against the State was therefore remanded to Judge Duncan for additional hearings.

The Columbus Board of Education then sought and was successful in gaining a stay from U.S. Supreme Court Justice William Rehnquist, until the Supreme Court could take further action on the case. The defendants and plaintiffs have both presented briefs to the Supreme Court as to why it should or should not uphold Justice Rehnquist's stay. Presently, there is no implementation of the plan. A ruling is expected from the high court during its 1979 term.

CLEVELAND

Robert A. Reed, a black student in the Cleveland Public Schools, filed a class-action suit in Federal District Court in December 1973, on behalf of himself and others similarly situated.[7] Represented by the NAACP, Reed charged that the schools were unconstitutionally segregated. Defendants in the case were the

[4] *Dayton Board of Education*, et al., *v Brinkman*, et al., 97 S. Ct. 2766 [1977].

[5] *Gary L. Penick*, et al., *v Columbus Board of Education*, et al., 429 F. Suppl. 229 [S.D. Ohio 1977].

[6] *Gary L. Penick*, et al., *v Columbus Board of Education*, et al., Nos. 77-3365-66 etc. [6th Cir. 1978].

[7] *Robert A. Reed, III*, et al., *v James A. Rhodes*, et al., C-73-1300, [1973].

Cleveland Board of Education and its Superintendent, the State Board of Education and the State Superintendent of Public Instruction, the Governor and the State Attorney General. Specifically, the plaintiffs charged the defendants with engaging in certain practices and maintaining policies and customs which had perpetuated racial and economic segregation.

The trial began on November 24, 1975, before Federal District Court Judge Frank J. Battisti. All the parties agreed that the Cleveland public schools were segregated. At issue was whether the defendants were responsible for creating or maintaining the segregation.

The trial ended four months later. The court issued its Opinion[8] on August 31, 1976, against both the State and Cleveland Boards of Education. Both defendants promptly appealed.

After several months, a plan was eventually submitted which met the court's approval. However, the defendants again appealed the case for review of the findings of liability in light of the Supreme Court's 1977 *Dayton* decision. Judge Battisti distinguished the facts in Dayton from the facts in Cleveland and reaffirmed his original decision. Dissatisfied with the Cleveland Board of Education's response to his orders, the Judge appointed Charles Leftwich, Deputy Superintendent for Desegregation Implementation to assist in the process of achieving racial balance. The court later issued orders which placed part of the school system under the authority of Dr. Leftwich. These orders, however, were appealed and modified by the Sixth Circuit Court.

Attempts to acquire school buses for the 1978-79 school year proved difficult because of Cleveland's financial situation. Money shortages and a teachers' strike lasting five weeks further delayed adequate preparation for desegregation. The District Court therefore approved a phase-in of the desegregation remedy beginning in February, 1979, at the junior high school level. The complete plan is to be in place by September, 1979.

In the meantime, the case is currently before the Sixth Circuit Court on appeal.

YOUNGSTOWN

On June 3, 1974, the NAACP filed a complaint on behalf of Roland Alexander, Jr., and other Youngstown students alleging that the Youngstown public schools were unconstitutionally segregated.[9] The defendants in the suit included the Youngstown Board of Education and its Superintendent, the State Board of Education, the State Superintendent of Public Instruction, the Governor and the State Attorney General.

This case was assigned to United States District Court Judge Leroy J. Contie, Jr. After out-of-court settlement attempts had failed, the judge dismissed both the Governor and the Attorney General as defendants and the trial began on January 4, 1977.

On April 12, 1978, the District Court found that the Youngstown Board and Superintendent had not assigned students in a racially discriminatory fasion, but had assigned teachers and administrators in violation of the Constitution. The court also absolved the State Board of Education of any responsibility for these actions.

The plaintiffs appealed the decision to the U.S. Sixth Circuit Court, while the Youngstown school board submitted a plan for the reassignment of professional personnel. The original plan provided for the reassignment of personnel so that the racial composition at any one school was within ten per cent of the district's total minority composition. However, Judge Contie ordered that the variation at each school not exceed five per cent. The school board followed the court's orders, implementing the faculty reassignment for the 1978-79 school year.

AKRON

On January 13, 1978, the American Civil Liberties Union of Ohio, Inc., (ACLU) representing Doris and Maynard Bell, parents of two students in the Akron Public Schools, and others, filed a complaint in United States District Court against the Akron Board of Education and School Superintendent; the Mayor and City of Akron; the Akron Metropolitan Housing Authority and its Director; the President of the Ohio Real Estate Commission; and the Secretary of the U.S. Department of Housing and Urban Development.

Bell, et al. *v Akron Board of Education*, et al.,[10] differed from the previous school desegregation cases in two respects. First, the plaintiffs were represented by the ACLU, rather than the NAACP. Second, the plaintiffs were suing several local, state and federal housing agencies who, they alleged, must bear responsibility for the historical segregated housing patterns in the City of Akron, which had resulted in a segregated school system.

The complaint held that the Akron schools were segregated due to the intentional actions of the defendants. School officials were charged with maintaining racially identifiable "white" and "black" schools, thereby, maximizing the racial identity of neighborhoods. The housing defendants were charged with intentionally engaging in practices that identified selected areas of the city as areas for black occupancy, thereby, becoming a "contributing and, indeed, the primary cause of the condition of residential racial segregation."

The trial began on October 16, 1978. The plaintiffs'

[8] *Reed*, et al., *v Rhodes*, et al., C-73-1300, [August 31, 1976].

[9] *Roland Alexander, Jr.*, et al., *v Youngstown Board of Education*, et al., C-74-118Y, June 3, 1974.

[10] *Doris Bell*, et al., *v Akron Board of Education*, et al., C-78-20A, January 13, 1978.

witnesses testified that the defendant school board had engaged in a practice of gerrymandering school boundaries for racially motivated purposes; that school closings selected by the board placed an unfair burden on black students; and that the Akron Metropolitan Housing Authority had discriminated in its placement of tenants in housing projects. The defendants countered with witnesses testifying that the board had spent more money per student in predominantly black schools; that school boundary revisions were not racially motivated; and that housing patterns, not school board action, were the primary cause of school segregation.

The Akron school system had also been sued earlier. In 1965, the NAACP had represented fourteen black and four white families, who charged that their children were receiving an inferior education in segregated schools. In 1968, U.S. District Court Judge James Connell held that the segregation was caused by housing patterns and absolved the Akron school board of any responsibility.

A decision in *Bell* is expected in 1979.

CINCINNATI

Mona Bronson, represented by the NAACP, filed a class-action complaint on May 29, 1974. The defendants -- the Cincinnati Board of Education and its Superintendent, the Governor, the State Attorney General, the State Board of Education and the Superintendent of Public Instruction -- were charged with maintaining unconstitutional segregation within the Cincinnati Public Schools.[11] The plaintiffs amended their complaint in September, 1976, to include all but two of the school districts in Hamilton County as well as the Hamilton County Board of Education.[12] The amended complaint makes this case a metropolitan desegregation suit involving the city, the suburbs and the state. The plaintiffs alleged that the defendants had acted both jointly and independently to establish and maintain predominantly black city schools and predominantly white suburban schools.

A trial date was set but later postponed as the various parties continued to file numerous pre-trial motions. On October 24, 1978, the suburban district of Mount Healthy reached an out-of-court settlement with the NAACP and was released as a co-defendant. Under the terms of the consent decree and the stipulation of dismissal, the Mount Healthy school board is to continue the student assignment plan adopted in 1976 to achieve racial balance in the schools.

Bronson is the second suit brought in Cincinnati alleging intentional segregation in the schools. In the first case, *Deal v Cincinnati Board of Education*,[13] the Sixth Circuit Court found that the racial imbalance in the Cincinnati Schools was not the result of any discriminatory action on the part of the school system.

At this writing, *Bronson* has yet to go to trial.

[11] *Mona Bronson*, et al., *v Cincinnati Board of Education*, et al., C-174-205, May 29, 1974, complaint.

[12] *Bronson*, et al., *v Board of Education*, et al., C-174-205, September 29, 1976, Plaintiff's Amended Complaint.

[13] 419 F. 2d 1387 (6th Cir., 1969) *cert. denied*, 402 U.S. 962 [1971].

B. THE FEDERAL GOVERNMENT AND SCHOOL DESEGREGATION: TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

In addition to the court cases, several school districts in Ohio have recently come under investigation by the federal government for violating Title VI of the Civil Rights Act of 1964, which states:

> No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.[14]

Various federal departments and agencies are responsible for eliminating discrimination in the programs and activities they assist. The Office for Civil Rights (OCR) in the U.S. Department of Health, Education and Welfare exercises this authority over school districts. OCR may investigate individual complaints or conduct compliance reviews on its own. In the area of school desegregation, local school officials must:

- abolish and prevent discrimination in all services, facilities and programs (including transportation, athletics, and extra-curricular activities);
- abolish school feeder patterns, school attendance zones, and student assignment procedures which segregate pupils;
- build new schools or refurbish existing schools in a way that does not segregate pupils;
- hire and assign teachers and other professional staff in a non-discriminatory manner.

Further, school districts must assure that minority pupils are not denied the opportunity to obtain an education offered to other pupils because of:

- overcrowded schools attended by minority children;
- less qualified teachers being assigned to these schools;

[14] Sec. 601, Civil Rights Act of 1964, 78 Stat. 252 (1964), 42 U.S.C. 2000d [1965].

- insufficient student services (guidance and counseling, job placement, vocational training, medical services, remedial work);
- poorer facilities, instructional equipment and supplies, along with higher pupil-teacher ratios or lower per pupil expenditures;
- gerrymandered school attendance zones designed to further racial segregation.

Each year, the Office for Civil Rights requires school districts receiving federal funds to complete forms which indicate the racial make-up of every school. After review, if school officials fail to eliminate discrimination voluntarily, OCR personnel will investigate further and examine ways to abolish the discriminatory practices.

The law requires that exhaustive attempts to achieve voluntary compliance be made before formal enforcement proceedings begin. However, when efforts to achieve voluntary compliance fail, OCR may initiate administrative enforcement proceedings to cut off federal assistance. As an alternative, the Office may simply request the U.S. Department of Justice to take legal action.

Full hearings are conducted before administrative law judges. Both petitioners and respondents are given an opportunity to present their arguments. During the course of the hearing, the school district continues to receive federal money for existing programs previously approved and funded, but no new programs can be approved. After the administrative law judge reaches a decision, it may be appealed to a five-member reviewing authority. If the reviewing authority also finds the district to be out of compliance, the Secretary of HEW transmits the decision to the House and Senate Congressional committees with legislative jurisdiction. Federal funds are terminated 30 days later, whereupon, the case may be appealed to the federal courts.

Ohio Cities

Several cities in Ohio -- Springfield, Princeton, Lima, Toledo, Akron, Canton, and Dayton -- have been contacted by HEW in attempts to secure compliance with Title VI.

SPRINGFIELD

In September 1975, the Springfield school system was found to be out of compliance with Title VI of the Civil Rights Act of 1964. Springfield later developed an acceptable plan to desegregate students and employees after more than eighteen months of negotiation. An agreement with OCR was reached in February 1977, effective for the 1977-78 school year. The plan resulted in teacher and student reassignments, facilitated by closing schools, redrawing attendance lines and expanding voluntary student transfers at the high school level.

PRINCETON

In September 1975, the Princeton school system was advised by HEW that it was not in compliance with Title VI. Specifically, HEW felt that teachers were hired and assigned in a discriminatory fashion. Princeton challenged these charges, and hearings before an administrative law judge were held during April 1977, to determine whether federal funds should be terminated.

On August 29, 1977, Administrative Law Judge Tom D. Capshaw ruled that local conditions, not discriminatory action by Princeton, were the cause of the racial imbalance existing in the teaching staff at some elementary schools.

LIMA

The Lima school system, in September 1975, was found to be in violation of Title VI. The district was charged with assigning both teachers and students in a discriminatory fashion. However, no satisfactory plan was developed for the reassignment of students.

On February 13, 1978, Administrative Law Judge John C. Castelli found that Lima had violated Title VI in assigning its elementary students, but ordered that only selected federal funds be withheld. The Judge reasoned that Lima had not discriminated in the use of most federal monies, including its Title I and school lunch program funds. Both the Office for Civil Rights and school officials have appealed this ruling.

TOLEDO

In September 1976, the Toledo school system was found to be out of compliance with Title VI for discriminating in hiring and reassigning teachers and administrators. The district was scheduled to implement a plan to desegregate its faculty and staff in the fall of 1977, but failed to follow the agreement.

However, in 1978, Toledo implemented a staff plan which has been approved by OCR and the district is now in compliance.

AKRON

On November 8, 1977, the Office for Civil Rights notified the Akron Public Schools that a Comprehensive Compliance Review would be conducted during the spring of 1978. However, because of the Akron school desegregation case, the on-site review was postponed until October and completed on November 15, 1978.

Student and staff assignment policies were exempted in OCR's review of Akron because Federal District Court Judge Contie was hearing these issues in the *Bell* case. However, OCR did complete its investigation of Akron's policies regarding the treatment of handicapped students and personnel and student discipline.

The district expects to hear the result of OCR's findings within 90 days.

CANTON

In September 1975, the Canton school system was notified by OCR that it was not in compliance with Title VI. Specifically, it was found to be discriminating in the assignment of faculty. On February 3, 1976, the district submitted a faculty desegregation plan to OCR for its approval. All nine of the provisions of the plan were carried out and no further action has been taken by OCR.

DAYTON

In 1978, the Office for Civil Rights found that the Dayton school system had not complied with Title VI in its policy governing minority faculty promotions and dismissals. OCR also found evidence of discrimination in the recruiting, hiring and promotion of minority personnel. Consequently, it threatened to withhold Dayton's funds for the 1978-79 school year.

The Dayton school system requested a show cause hearing which was denied. Dayton then pursued the matter in federal court and sought a waiver from HEW.

Federal District Court Judge Carl Rubin issued a restraining order against OCR, directed Dayton's ESAA funds to be set aside, and scheduled a hearing date.

Ultimately, the parties were able to resolve their differences and settle out of court. The agreement requires Dayton to use a new method for keeping records on the promotion and dismissal of its personnel.

HEW Secretary Joseph Califano also granted Dayton's request for a waiver and approved the release of the district's $2.3 million is ESAA funds for 1978-79.

Currently, OCR is reviewing Dayton's policy on the suspension and explusion of minority children.

C. VOLUNTARY DESEGREGATION PROGRAMS

Some school districts have taken steps on their own to improve the racial balance of their schools or to desegregate and prevent the resegregation of schools within their districts. They have adopted a variety of approaches. Most of these districts have had the benefit of community input, careful planning and the opportunity to chose a plan that meets their needs. Also, in taking this approach, the districts may qualify for federal desegregation dollars for both planning and implementation.

Ohio Cities

A number of cities in Ohio -- Shaker Heights, Cleveland Heights-University Heights, Greenhills-Forest Park, Warren, Mansfield, Jefferson Township, Xenia, Middletown, Warrensville Heights and Lorain -- have either implemented or are in the process of initiating voluntary desegregation programs.

SHAKER HEIGHTS

Shaker Heights implemented a voluntary intradistrict transfer program which permits both black and white students to transfer to schools outside of their attendance areas as long as the racial balance of the district is improved. The voluntary transfer program began in a limited fashion in September 1970 and has since been expanded to include all of Shaker's schools.

CLEVELAND HEIGHTS - UNIVERSITY HEIGHTS

The Heights school board implemented a voluntary transfer plan in 1977 to improve the racial balance in the elementary schools. Under this initial plan, parents were required to provide transportation for their children.

The school board has since approved of a plan which provided transportation for voluntary transfers and which converted one predominantly white elementary school into a magnet school in 1978. Another predominantly black elementary school will become an administrative building in 1979 when the board will also redraw its attendance zones at the junior high school level.

GREENHILLS - FOREST PARK

In 1978, a citizen review committee examined, in depth, several alternative plans submitted by the school board and its superintendent to increase racial balance. The adopted plan, which focuses on the voluntary transfer of students, offers an assessment orientation center for parents and students and provides information regarding achievement testing and placement. The plan also provides for human relation training and teacher inservice training.

With these efforts, the school administration hopes to encourage the voluntary transfer of students to enhance racial balance. The school board plans to evaluate the success of its program by December 1978.

WARREN

The Warren school district is currently utilizing a magnet school as a "focus center" for fifth and sixth grade students who are bused to the center for six weeks annually on a 50-50 racial basis. Secondary students are given remedial reading and intensified counseling under the plan. A reading program is also provided for elementary students.

MANSFIELD

Mansfield has developed a district-wide voluntary plan based on closing schools and reassigning students. In 1978-79, an "outdoor humanistic approach to integration" was offered to fifth and sixth graders. It also focused on staff development. For 1979-80, there are

plans to add four new components: 1) a humanistic center for the arts; 2) staff development; 3) remedial math and reading; and 4) a plan to reduce student suspension-expulsion rates.

JEFFERSON TOWNSHIP

In 1978-79, Jefferson Township's desegregation program consisted of curriculum development, alternative schools, human relations, and staff and career development. In 1979-80, the district plans to establish a parent-teacher communications network, reading and math centers and inservice education.

XENIA

The Xenia school board initiated desegregation efforts during the sixties. It has since closed schools, altered grade patterns, redrawn school boundaries, as well as used housing patterns and enrollment projections and federal funds to keep its school system racially balanced.

MIDDLETOWN

The Middletown Board of Education has voluntarily taken corrective steps to remedy the racial imbalance in its schools by changing the boundaries between some elementary schools and by integrating some of its staff.

WARRENSVILLE HEIGHTS

Warrensville Heights began taking voluntary desegregation steps in 1974-75 by providing remedial math, reading and social science programs for students in grades one through twelve. The purpose was to aid students in overcoming the effects of racial isolation and to increase academic achievement. Reorganizing the grade structure of the school is also being used to achieve racial balance.

LORAIN

After considering three voluntary programs in 1977, the school board approved a desegregation plan to be implemented in the 1979-80 school year. The plan calls for school closings, boundary shifts, the creation of bilingual centers in three schools and the development of a vocational education center.

Appendix III

A STUDY OF THE COST OF IMPLEMENTING DESEGREGATION PLANS IN SIXTEEN MAJOR CITIES

Prepared For The:
OHIO GENERAL ASSEMBLY
JOINT SELECT COMMITTEE
ON SCHOOL DESEGREGATION

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November, 1978

INTRODUCTION

Much has been written about the cost impact of the desegregation movement on the operation of public schools and most of that has reflected either an intense political orientation or inadequate reporting systems. This study is the direct result of a 1977 study of costs performed, primarily, to develop a more definitive structure within a survey instrument with which identify a common and comprehensive set of cost categories. The instrument which evolved contained 15 "Cost Centers" which are related to components of the chart of accounts contained in Handbook II of the U.S. Office of Education *Fiscal Accounting for Public Schools*.

Concurrently, David L. Colton, Director, Center for Educational Field Studies at Washington University, St. Louis conducted, through a Danforth Foundation Grant, a study of Buffalo, N.Y., Milwaukee, Wisc., and Cleveland, Columbus, and Dayton, Ohio. Colton observed that while the report should be considered "preliminary" certain distortions in cost information, particularly in the "design-of-remedy" phase, produce discernable differences between the "plaintiff" and "defendant" viewpoints. In short, Colton did not attempt to develop specific cost data but rather to more clearly identify those factors, both political and technical, which tend to influence such data.

A review of the Colton Study led this writer to believe that the "Cost Center" approach, combined with an on-site review of accounting and reporting methods and a personal interview of key school officials, would be necessary to produce accurate data and identify those areas where data did not exist or costs were ignored.

In mid 1978, this writer was an employee of the Ohio School Boards Association. On behalf of that organization testimony was prepared and presented, including information relative to the major "Cost Centers" identified in the 1977 study. It was interest on the part of The Committee in this approach to determining desegregation costs that led to this study commissioned by the Joint Select Committee on School Desegregation. In an effort to secure, between September 15, 1978 and November 1, 1978, the greatest amount of accurate information possible, a research team was recruited, the survey instrument refined, and a list of appropriate cities selected. They are as follows:

Austin, Texas	San Diego, California
Dade Co., Florida	Denver, Colorado
Ft. Worth, Texas	Berkeley, California
Jefferson Co., Kentucky	Hillsboro Co., Florida
Milwaukee, Wisconsin	Atlanta, Georgia
Minneapolis, Minn.	Charlotte, N. Carolina
Indianapolis, Indiana	Detroit, Michigan
Los Angeles, California	Boston, Massachusetts
Wilmington, Delaware	

The information which follows includes descriptive paragraphs for each city visited; a section reporting "Cost Center" data, a section summarizing the cost center data into descriptive statistics; and a concluding section composed of summary observations and a few suggestions for further study.

San Diego

San Diego is a city of about 765,000 people. It was issued a court order to desegregate its public schools in 1977. Declining enrollment also appeared in San Diego. The figures depicting this phenomenon follow:

1975 enrollment - 121,498 1977 enrollment - 118,460

Los Angeles

Los Angeles is a city of approximately 2,750,000 (1975 estimate) people. It received a court order in 1977. Like other U.S. Cities, L.A. has experienced declining student enrollment as follows:

1977 enrollment - 591,720 1978 enrollment - 588,515

Austin

Austin is a city of 310,000 population growing at a rate of 10,000 residents annually. The Austin Independent School District began desegregation efforts in the late 1950's. Its first desegregation order was issued in 1971 with a subsequent order issued in 1973. Its efforts at compliance with that order continue to date. The enrollment of the Austin schools has leveled off through 1973 - 78.

Dade County

Dade County, Florida has a population of 1.5 million residents. The Dade County Public School District in Miami, Florida serves 234,000 students, 4,000 less than the number served during the court order in 1970. The Hispanic population has increased 75% since the order in 1970.

Boston

Boston was unable to participate in the desegregation cost survey due to a complex transition. Its administrative budget and management office is currently undergoing complete title and personnel changes. The budget and management director suggested that it would be inopportune to burden his staff with this project at present.

Indianapolis

This city has a population of 741,000. It came under

court order to desegregate its public schools in 1971. In 1973 the court ordered one-way busing to Marion County. In 1974 the court allowed certain geographical areas to be excluded from the Marion County busing plan. Presently, the court order concerning Marion County is in a condition of stay until early 1979.

Indianapolis, like other U.S. cities has experienced declining enrollments as evidenced by the following figures:

1971 enrollment - 103,000 1978 enrollment - 74,000

Milwaukee

Milwaukee City Schools were issued a three-phase desegregation order in 1976. The plan has been under a stay order following a two-third's implementation in 1978. City population is increasing by 10,000 residents annually. The school district has experienced a decreasing enrollment of 5,000 students annually.

Minneapolis

The population of Minneapolis has decreased by 66,000 during the years 1970-75. The City Schools have been averaging a 2,000 student decrease annually for each of the past 13 years. Their desegregation order was issued in May, 1972 and implementation began with the 1972-3 school year.

Wilmington

Wilmington has a population of approximately 407,000 and came under court order to desegregate in 1978. The desegregation plan involved the merging of 11 school districts in New Castle County.

Wilmington's student population has declined along with other cities at the following rate:

1975 enrollment - 79,039 1978 enrollment - 63,000

Ft. Worth

Ft. Worth has a population of 350,000 and has experienced a decrease in population of 40,000 people from 1970-75. The Independent School District served 83,000 students in 1971 at the time of implementation of its first court order. A second court order was issued during the 1973-4 school year. District enrollment today is 67,200 students.

Jefferson County

The Jefferson County Public Schools in Louisville were merged with the Louisville City Schools as part of the desegregation court order in the summer of 1975. The population of the county has increased by 1000 residents from 1970 - 75. School district population has decreased during the past three years by 16,000 students.

Charlotte/Mecklenberg

This school system is composed of the city of Charlotte and Mecklenberg County. It is the 35th largest in the United States. In 1969 the pupil population was 84,518. In the first year of the desegregation plan this dropped by approximately 3500 students and has held fairly constant with a population of 79,465 in 1977.

Denver

Denver is the capitol and largest urban center in Colorado. Prior to the *Keyes* decision the city was growing in population steadily, primarily through annexation of surrounding territory. Following the 1973 decision, legislation was introduced through an initiative petition prohibiting further expansion of Denver's boundaries, resulting in a gradual population decline.

Detroit

Detroit has experienced a series of significant organizational and operational problems in the preceding five years. Extreme financial difficulty, labor strife, the problems surrounding its decentralization effort and the implementation of a desegregation plan all have occurred during this period. Both population and enrollment have gradually declined.

Tampa

Tampa (Hillsboro Co.) has had a desegregation plan in operation since 1968 and is somewhat unusual as much had been accomplished prior to the court order. Very little enrollment decline was experienced. A human relations and community information program was heavily emphasized. This is now the 21st largest school district in the United States.

Berkeley

Berkeley was included in this study as a comparison district. A voluntary desegregation plan began here in 1964 and was completed in 1968. The city is composed of a white plurality with substantial minority segments. While Berkeley has a reputation for the initiation of social movements, these have emanated from the University of California. The city is demographically and socio-economically comparable to many other cities in the study.

Atlanta

Atlanta typifies the dramatic change of many Southern cities from the "separate but equal" doctrine to the Civil Rights Act of 1964. Its population is now 89% Black and 11% White and its desegregation plan which basically employs the "clustering" technique has been, according to one school official, 19 years in its development.

COST CENTERS

1. Transportation

Definition: Cost of transportation of transferred students for additional miles, additional vehicles and transportation equipment.

2. Staff Development Programs

Definition: Various pre and post implementation inservice training programs directed towards preparation of staff necessitated by desegregation plan.

3. Schools of Choice/Alternative Schools

Definition: Post plan creation of such schools designed exclusively to accomodate curricula designed for multicultural attendance.

4. Capital Outlay

Definition: Construction, vehicles, other than buses, equipment, etc., the purchase of which is necessitated to implement desegregation plan exclusive of replacement cost.

5. Lunch Room Operations

Definition: Additional cafeterias or increased food preparation resulting from increase in transported pupils.

6. Geopolitical Activities

Definition: Cost of implementing coordinated efforts by state and local agencies affecting housing, zoning, employment, community transportation and related areas.

7. Student-to-Student Human Relations Programs

Definition: Programs directed toward supplemental biracial mixing of students to effect and facilitate communication.

8. Curriculum Change

Definition: Cost of curriculum changes directly related to, and planned after or as a part of desegregation implementation.

9. Security

Definition: Cost of additional security personnel or equipment.

10. Legal Services

Definition: Attorney's fees, transcript preparation, research, etc., related to desegregation effort.

11. Communications

Definition: Additional communication systems or equipment directed toward facilitating desegregation plan.

12. Community Information/Education

Definition: Rumor control, key-communicator, informational and community education programs.

13. Staff Integration

Definition: Costs related to relocation of equipment or personnel to achieve racial balance among staff.

14. Management and Personnel

Definition: Inservice training, additional time, travel and personnel directly resulting from implementation of desegregation plan.

15. Evaluation

Definition: Direct cost of support of monitoring groups, community councils, in-staff evaluation, etc.

COST CENTERS

Cities	1 Transportation	2 Staff Devel. Programs	3 Altern. Schools	4 Capital Outlay	5 Lunch Room Opr.	6 Geop. Activities	7 Student Relations
Austin	548,870	$ 2,000	N/A[1]	30,000	0[2]	EBNR	500,000
Dade Co. Miami, Fla.	292,475[3]	169,961	EBNR[4]	N/A	N/A	EBNR	2,100,000
Ft. Worth	279,850	reported in #7	N/A	N/A	0	N/A	400,000
Jefferson Co. Louisville, Ky.	3,259,619	15,000	N/A	N/A	N/A	EBNR	371,333
Milwaukee	2,466,258	95,000	1,500,000	998,408	0	EBNR	N/A
Minneapolis	116,311	128,000[5]	N/A	N/A	0	N/A	EBNR
Indianapolis[6]	1,000,000 4,134,060[7]	N/A	N/A	N/A	N/A	EBNR	N/A
Los Angeles[8]	14,866,700	1,450,000	3,280,000	3,133,369	EBNR	EBNR	278,769
Wilmington, De.	1,404,461	1,775,000	N/A	1,732,920	0	EBNR	250,000
San Diego	1,347,831	200,000	32,766	2,000,000	0	N/A	976,904
Denver	average 1,800,000	210,000	N/A	1,226,000	0	28,680	N/A
Berkeley	144,000	4,800	0[9]	45,000	N/A	11,800	25,936
Tampa/ Hillsboro Co.	1,117,147	N/A	0	165,209	0	23,000	2,225,000
Atlanta	190,000	N/A	0	19,000	0	N/A	0 Volunteer
Charlotte/ Mecklenburg	0 2,070,000	125,000	0	300,000/ 4,000,000	18,000	44,000	N/A
Detroit	7,555,780(75) 7,158,625(76)	988,781(75) 2,631,574(76)	N/A	9,610,000	N/A	EBNR	28,605 1,000
Boston	unwilling to supply information at interview or followup						

[1]"Not Available"
[2]"0" No evidence of expenditures
[3]based on 1972 study
[4]Funds "expended but not reported" separately
[5]includes portions of categories 3 & 7
[6]Indianapolis estimates category #9 for 1978/79 to be $1,315,699 and category #10 to be $372,000
[7]estimated figures for 1978 - in category #9 the estimated figure for 1978 is $1,315,669
[8]Los Angeles estimates for 1978/79 - category #4 - $6,916,673. #7 - $277,527

8 Curr. Change	9 Security	10 Legal Services	11 Communi- cations	12 Comm. Educ.	13 Staff Integ.	14 Mangt. & Pers.	15 Evalua- tion	
N/A	179,092	58,000	250,000	N/A	N/A	294,000	N/A	
EBNR	250,000	N/A	N/A	EBNR	reported in #2	N/A	N/A	
N/A	N/A	30,690	10,000	N/A	N/A	N/A	N/A	
N/A	2,335,000	95,000	N/A	278,500	139,250	39,000	N/A	
28,000	15,430	150,000	40,000	19,300	N/A	EBNR	EBNR	
N/A	15,000	N/A	N/A	N/A	N/A	EBNR	15,000	
N/A	696,414	117,952	44,000	EBNR	N/A	N/A	20,000	
300,000	1,000,000	N/A	250,000	205,000	729,515	722,029	454,225	
N/A	EBNR	1,000,000	784,623	reported in #11	N/A	N/A	124,000	
N/A	N/A	N/A	N/A	N/A	N/A	500,000	250,000	
292,000	EBNR	N/A	N/A	EBNR	0	100,863	N/A	
344,809	N/A	N/A	0	EBNR	0	353,500	36,800	
286,166	0	5,680	18,800	11,000	150,000	175,000	0	
0	0	160,000	14,000	75,000	300,000	312,000	0	
110,000	400,000	N/A	9,000	35,000	0	256,000	N/A	
175,809 9,663,426	N/A	N/A	Combined categories 150,000		0	N/A	N/A	

DESCRIPTIVE STATISTICS

The Table of Descriptive Statistics appearing on the following pages reports descriptive data for each city studied. Further, the table shows per pupil expenditures in three different ways, the sum of the desegregation cost centers, and a percent of total budget figure for each city respectively. The items reported in the table are defined as follows:

1. City Population

Definition: Population of city or school district (as in the case of Dade County Public Schools) based upon 1975 census estimates.

2. Year of the Plan

Definition: The year of implementation of the district's initial court order. All other figures reported are based on the year of the order, unless otherwise noted.

3. District Enrollment

Definition: Number of students enrolled in the year of implementation.

4. Racial Breakdown by Percent

Definition: The percent of enrollment by race.

5. Number of Students Touched

Definition: Number of students transported or otherwise directly transferred as a result of the order.

6. Annual Budget

Definition: The total operating budget for each district during the year of the order.

7. Annual Expenditure Per Pupil

Definition: The annual budget divided by the district enrollment during the year of the order.

8. Sum of Cost Centers Reported

Definition: For each district the total of the cost centers reported for the year of the order.

9. Cost Per Pupil Touched

Definition: The total of the cost centers divided by the number of pupils touched for each district respectively.

10. Cost Per Pupil Total

Definition: The total of the cost centers divided by the total number of students enrolled for each district respectively.

11. Percent of Total Budget

Definition: The total of the cost centers divided by the total annual budget for the year of the order.

The following table allows for extensive comparison of figures. However, the wide range in these costs are due to several confounding variables. First, the years of the orders are different. It is appropriate to assume that expenses incurred in 1971 will be greater in 1978.

Secondly, the districts themselves are very different, both with respect to geographic configuration and the range and degree of segregation.

The last confounding item is the difference in the court ordered plans. Each such plan has its anomalies, its special considerations regarding the proposed remedies.

All of the above variables, coupled with the differences in the availability of accurate reporting of costs while implementing the plan, makes comparisons of these fifteen cities difficult.

The figure which merits special consideration is the last item in the table: Percentage of Total Budget. This figure represents a relative comparison, one which provides for control of the above mentioned variables. In this case the figure represents the reported costs of desegregation as a percent of the total operating budget for the year of the plan. Again, the range that exists is due to the differences in the various cities and the remedies ordered. This figure may serve as a "bench mark" or indicator of the reasonableness of a request for expenditures.

DESCRIPTIVE STATISTICS

City	1 City Population	2 Year of Plan	3 District Enrollment	4 Racial Brkdn. B = black W = white	5 # Students Touched	6 Annual Budget	7 Annual Expenditure Per Pupil	8 Sum of Cost Centers	9 Cost of Students Touched	10 Cost Per Pupil Total	11 % of Total Budget
Atlanta	423,000	1973	92,975	89% B 11% W	13,403	97,716,221	1050.99	1,070,000	387.54	79.36	1.1
Austin	301,147	1971	54,480	15% B 64% W 21% other	2,940	38,432,672	704.44	1,861,962	633.32	34.17	4.8
Berkeley	116,000	1964/68	23,763	27% B 48% W 25% other	11,445	19,371,616	815.00	966,645	84.46	40.68	5.1
Charlotte/Meckenberg*	406,000	1971	78,000		45,000	121,290,000	1550.00	3,367,000	74.82	43.17	2.8
Denver	510,000	1973	71,000	15% B 76% W 10% other	71,000	120,414,469	1695.00	3,628,863	51.11	51.11	3.0
Dade Co. Miami, Fla.	1,439,481	1970/71	238,793	25% B 54% W 21% other	8,478	271,238,477	1135.00	2,812,436	331.73	11.78	1.0
Detroit	1,540,000	1975	242,831		133,284	310,231,253	1277.00	18,508,975	138.87	76.22	6.0
Ft. Worth	358,364	1971	83,909	29% B 62% W 8% other	15,000	50,800,974	605.00	720,540	48.04	8.59	1.4
Indianapolis	741,000	1971 73/74	103,000	39% other 61% W	9,600	84,443,650	819.00	1,880,000	195.66	18.23	2.2
Jefferson Co./ Louisville, Ky	696,832	1975	113,383	22% B 78% W	18,250	208,354,430	1837.00	6,493,702	355.81	57.27	3.1
Los Angeles	2,750,000	1977	592,000	24% B 35% W 41% other	177,187	1,509,762,316	2550.00	26,666,700	150.50	45.05	1.8
Milwaukee	665,796	1976	109,122	37% B 59% W 4% other	15,000	224,872,893	2060.00	5,312,396	354.16	48.68	2.4
Minneapolis	378,112	1972/3	58,187	13% B 84% W 3% other	1,061	90,992,236	1563.00	274,311	258.54	4.71	.03

DESCRIPTIVE STATISTICS (cont.)

City	1 City Population	2 Year of Plan	3 District Enrollment	4 Racial Brkdn. B = black W = white	5 # Students Touched	6 Annual Budget	7 Annual Expenditure Per Pupil	8 Sum of Cost Centers	9 Cost of Students Touched	10 Cost Per Pupil Total	11 % of Total Budget
San Diego	265,000	1977	118,000	14% B 64% W 22% Oth	9,000	188,263,682	1595.00	5,307,501	589.72	44.97	2.8
Tampa Hillsboro Co.**	302,000	1968	105,000	20% B 62% W 18% other	52,800	138,294,548	1317.00	4,154,002	78.67	39.56	3.0
Wilmington	407,000	1978	65,000	22% B 78% W	23,000	155,000,000	2384.00	7,071,004	307.43	108.78	4.6
Boston	unwilling to supply information at interview or followup.										

*Charlotte - 1978
**Tampa - 1970/71

SUMMARY OBSERVATIONS

The numerous observations which follow are offered to articulate characteristics common to school districts implementing court ordered desegregation plans in sixteen major U.S. cities.

1. The vast majority of school officials interviewed expressed the belief that this study was a unique effort on the part of the Ohio General Assembly.

2. The topic of this study, irrespective of the introductory letters from this committee, generated reactions of suspicion and caution in most instances at the outset of the interview.

3. In almost every interview, once a satisfactory rapport had been established, school personnel interviewed were very helpful and cooperative.

4. Almost without exception the personnel interviewed expressed an interest in having copies of the final report.

5. All districts but 2 indicated that they were experiencing declining enrollment.

6. In almost every district studied, the minority enrollment, as a percentage of total enrollment, has increased.

7. In every district except one, in not less than two years and not more than three, desegregation plan costs were no longer separately reported. The definitive comment was, "these costs are now a part of our normal expenditures."

8. Of the costs reported, in no district did the total expenditure exceed 6% of the annual budget.

9. In spite of the basic accounting system in each district studied and its chart of accounts, there was a wide range of terminology and categories in which costs were recorded.

10. There are probably as many desegregation plan variations as there are school districts in the process of desegregating.

11. An extensive selection of both federal and state funding opportunities are available.

12. In every school district studied there was some reference to, and discussion of "geo-political" activities, yet there was little evidence of expenditures in that cost center.

13. Legal fees incurred in plan implementation were insignificant compared to the costs of defense.

14. In one case there is evidence that action by a state could perputate the accounting of specific desegregation costs for purpose of qualifying for some form of additional aid.

15. It must be noted that desegregation plans have been developed and implemented for over a decade and yet the Colton study and this one are the first attempts to look indepth at the question of costs. There is a need to investigate further the areas in which costs are incurred but not reported; how variation in plans affect costs; and how costs accruing to the local tax payer are diminished somewhat by federal and state funding.

Appendix IV

ADDITIONAL POLICY OPTIONS

The following policy options were discussed by the Joint Select Committee in the course of making its recommendations. Although these policy options do *not* represent the formal positions taken by the committee, they are included here to stimulate further discussion and action on the desegregation issue.

SECTION I: STATE AUTHORITY TO ELIMINATE SEGREGATION

1. Prohibit in *statute*, the racial segregation of children in the public schools, whatever the cause.

2. Delineate *enforcement criteria* in statute (e.g. definitions of minority students; eligibility requirements; responsibilities of boards of education; and a triggering mechanism.)

3. *State enforcement agency*
   a. authorize the Ohio Civil Rights Commission to enforce the school desegregation statute.
   b. provide joint enforcement authority and responsibility between the State Board of Education and the Ohio Civil Rights Commission.
   c. designate some other state agency to enforce the school desegregation statute.
   d. adopt no state desegregation enforcement policy, but require school districts to define their own standards of desegregation based on local conditions, in accordance with state guidelines and reporting requirements.

4. *Extent of desegregation requirements*
   a. leave general.
   b. require specific standards be met relative to:
      (1) school assignments for students;
      (2) school assignments for teachers and administrators;
      (3) school assignments for non-certificated employees;
      (4) examination of educational programs for their impact on racial isolation;
      (5) approval of capital improvement plans based on their impact on racial isolation;
      (6) require district mergers to achieve desegregation

5. do not require a periodic *report* to the General Assembly.

6. do nothing.

SECTION II: DESEGREGATION PROGRAMS WITHIN SCHOOL DISTRICTS

1. *Technical assistance and funding assistance*
   a. encourage and fund the Department of Education to provide technical assistance, upon request, to school districts in selecting building sites and in drawing up attendance zones -- as a way to prevent segregation. (The state has begun to provide assistance to districts in the management area. This could be used as a model for developing desegregation assistance.)
   b. encourage and fund the State Department of Education in cooperation with the Ohio Civil Rights Commission, to provide technical assistance to school districts which are designing voluntary plans. (Under existing law, the Ohio Civil Rights Commission already shares responsibilities with the State Department of Education to prepare an educational program for Ohio school districts and others focusing on the problems of discrimination.)

2. *Voluntary programs and funding assistance*
   a. major program investments
      (1) provide categorical grants, awarded by the State Department of Education, for magnet schools for:
         (a) elementary grades only;

(1) all grades

(2) provide financial incentives for voluntary transfers to reduce racial isolation -- as part of the school foundation formula for:

(a) elementary grades only;

(b) all grades

(3) provide capital improvement grants to districts which build schools that help eliminate racial isolation.

b. pilot programs:

(1) provide funds for a limited number of pilot magnet programs. (The State Department Education has recommended the funding of three pilots in schools ranging in size from 600 to 1500 pupils, at an estimated cost of $2800 per pupil.)

c. amend existing programs to:

(1) provide additional DPIA funds to districts which desegregate. (Ohio currently funds the Disadvantaged Pupil Impacted Aid program, on a sliding scale, to cover the additional costs of school districts with significant numbers of disadvantaged pupils. In FY 79, funds have been appropriated for 106 school districts at a cost of $40.14 million.);

(2) fully fund DPPF at $200 per pupil for districts which voluntarily desegregate. (Disadvantaged Pupil Program Funds provide additional state monies for programs for disadvantaged children. In FY 79, the state has appropriated $32.7 million to 461 school districts, at $130 per ADC recipient.)

3. do not require a periodic *reporting* to the General Assembly.

4. Do nothing.

SECTION III: DESEGREGATION PROGRAMS BETWEEN SCHOOL DISTRICTS

1. *Voluntary programs and funding assistance*

a. provide categorical grants, awarded by the State Department of Education, for magnet schools for:

(1) elementary grades only;

(2) all grades

2. Do not require a periodic *report* to the General Assembly.

3. Do nothing.

SECTION IV: CITIZEN PARTICIPATION

1. *Local level*

a. establish independent monitoring commissions with specific authority and funding to oversee desegregation efforts in districts which are under federal mandates to desegregate.

b. establish local planning councils by law where representatives, including citizens and school officials from all districts in a large metropolitan area, are required to meet regularly to discuss ways in which communities can voluntarily desegregate across district lines.

c. fund the State Department of Education and/or the Ohio Civil Rights Commission to provide technical assistance to groups of local citizens (i.e. parents, students, educators and others) who wish to develop desegregation programs.

d. provide small grants to cover the expenses of local groups who wish to initiate desegregation programs, visit desegregated communities and develop materials for educating the public on desegregation.

2. Do not require a periodic *report* to the General Assembly.

3. Do nothing.

SECTION V: TRANSPORTATION

1. *Scope*

a. have the state assume *all* school transportation costs. (In 1977-79, the state is spending $150.9 million for pupil transportation, 54% of the total expense; and $22.6 million on bus purchase, approximately 50% of the total.)

b. have the state assume the total additional costs of *court-ordered* desegregation -- transportation and/or bus purchase. (The State Board of Education has recommended that the General

Assembly create a new transportation subsidy, earmarked for desegregation costs.)

c. have the state assume the total additional transportation costs of *voluntary* desegregation plans as an incentive for districts to desegregate on their own. Such funds could support:

(1) daily rides, to and from school;

(a) within districts;

(b) between districts;

(2) extra-curricular or after-school activities and parental visits to schools

(NOTE: Sections II and III contain the committee's recommendations on transportation for voluntary desegregation programs.)

2. Do not require a periodic *report* to the General Assembly.

3. Do nothing.

SECTION VI: HOUSING

1. To *coordinate and monitor* the efforts of all state agencies whose functions have an impact on housing

a. require periodic reports from agency heads on actions taken by their respective agencies to solve housing discrimination problems.

b. require all state agencies with the potential for furthering fair housing to earmark a specific amount of their agency budget to implement that action.

c. amend Chapter 4112 of the Ohio Revised Code to include a provision similar to Title VIII, Section 808 of the federal Civil Rights Act of 1968, mandating state agencies and political subdivisions to administer all housing and urban development programs in an affirmative manner to promote fair housing.

2. To provide statutory support for cooperative efforts between *school districts* and *local governments* to encourage integration

a. revise the school foundation formula to provide special financial benefits to school systems involved in programs to achieve racial diversity and balance prior to a court order.

b. assist school systems to find and apply for financial resources, governmental or private, to finance efforts which would result in integrated schools.

c. provide special technical assistance to local governments implementing actions that increase housing opportunities.

d. reward communities involved in a metropolitan or area-wide "fair share" plan or those with an Approved Housing Opportunity Plan.

3. To provide *financial disincentives* for schools and communities failing to take appropriate action to correct housing discrimination

a. revise the school foundation formula to limit funds to segregated schools.

b. use the A-95 review process to block federal funds to segregated suburbs in racially mixed metropolitan areas.

c. curtail certain economic and community development technical assistance to communities lacking programs to further equal housing opportunities and integration.

d. where reports of wide-spread housing discrimination in a community are verified, conduct special audits on the use of state funds or state-administered funds to determine if they are contributing to the discrimination.

4. To *monitor* the housing delivery system

a. require state licensees in real estate rental, sales and appraisal to keep records on compliance with equal opportunity responsibilities (i.e. number of units shown by race of homeseeker and number sold or rented by race of homeseeker.)

b. enact a disclosure law for real estate brokers following the precedent in the mortgage lending field.

c. require school districts, as part of their annual local school progress reports, to provide information on the district's housing market.

5. To provide for more effective *enforcement* of civil rights statutes and other laws prohibiting housing discrimination

a. award damages to victims of housing discrimination and recover damages in a private suit on behalf of the victims.

b. make suspension or revocation of a real estate license automatic when there is a court finding of liability in a federal, state or local civil rights lawsuit.

6. To support programs operated by *local, private fair housing agencies*
   a. provide funds for legal counsel to individuals or organizations filing lawsuits in federal or state courts.
   b. provide funds for the investigation of housing discrimination complaints.
   c. provide financial support to local groups which aid minority homeseekers with pre-purchase counseling and post-purchase adjustments in a racially isolated situation.
   d. provide financial assistance to local groups which monitor Community Development Bloc Grant programs or affirmative marketing and management plans required by government or by the courts.
   e. employ local, private fair housing agencies to conduct research for the State Housing Office.
   f. hold public hearings annually on housing discrimination, utilizing local housing groups to report on local problems and successes.
7. Do nothing.

Appendix V

TIME-LINE
JOINT SELECT COMMITTEE ON SCHOOL DESEGREGATION

Formation of the Committee	Seven Public Hearings: testimony and recommendations by the witnesses	Committee Meeting: identification of initial priorities based upon testimony of the previous hearings	Research of Initial Priorities Selected by the committee: 1. definitions 2. enforcement 3. voluntary programs 4. citizen participation 5. student achievement 6. human relations 7. transportation 8. alternatives to busing 9. neighborhood schools 10. housing	Committee Meetings: presentation of research findings to the committee	Committee Meetings: discussion and adoption of final report and recommendations
December 6, 1977	February - June, September, 1978	July 14, 1978	mid-July/ mid-November, 1978	November 13 November 27, 1978	December 14-15 December 21, 1978